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House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, *June 6, 2007.*

I hereby appoint the Honorable MICHAEL R. MCNULTY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Reverend Zane Fishel, Temple Baptist Church, Mount Airy, North Carolina, offered the following prayer:

Our Great and Almighty Father, we thank You for the blessings of this day and the opportunity that we have to make a difference in our world.

I pray that Your all-knowing wisdom be granted to each person responsible for the decisions that govern this great Nation. May Your divine leadership be followed as they seek Your paths.

Give Your grace to these Representatives in the face of opposition and Your courage to enable them to stand for truth and right.

We know the issues that face this country are complex and some are seemingly unresolvable. But we look to You for wisdom, knowledge and guidance to assist the men and women with this awesome responsibility.

Make America a stronger Nation by using these individuals to make Godly decisions. God bless our President, our Representatives, and God bless our troops and pour out Your richest blessings on America.

We ask this in the name of our Eternal Lord and Savior, Jesus Christ. 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 Texas (Mr. BRADY) come forward and lead the House in the Pledge of Allegiance.

Mr. BRADY of Texas led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agreed to the following resolution.

S. RES. 220

In the Senate of the United States, June 5, 2007.

Whereas, Senator Craig Thomas had a long and honorable history of public service, serving in the United States Marine Corps, the Wyoming State Legislature, the United States House of Representatives, and the United States Senate;

Whereas, Senator Craig Thomas represented the people of Wyoming with honor and distinction for over 20 years;

Whereas, Senator Craig Thomas was first elected to the United States House of Representatives in 1989;

Whereas, Senator Craig Thomas was subsequently elected 3 times to the United States Senate by record margins of more than 70 percent; and

Whereas, Senator Craig Thomas's life and career were marked by the best of his Western values: hard work, plain speaking, common sense, courage, and integrity: Now, therefore, be it

Resolved, That the United States Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Craig Thomas, a Senator from the State of Wyoming;

Resolved, That the Senate mourns the loss of one of its most esteemed members, Senator Craig Thomas, and expresses its condolences to the people of Wyoming and to his wife, Susan, and his 4 children;

Resolved, That the Secretary of the Senate shall communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of Senator Craig Thomas; and

Resolved, That when the Senate adjourns today, it shall stand adjourned as a further mark of respect to the memory of Senator Craig Thomas.

MOMENT OF SILENCE IN MEMORY OF SENATOR CRAIG THOMAS

The SPEAKER pro tempore. The House will rise and observe a moment of silence in memory of Senator Craig Thomas.

WELCOMING THE REVEREND ZANE FISHEL

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

Ms. FOXX. Mr. Speaker, I rise today to honor the Reverend Zane Fishel, who is the House of Representatives' guest chaplain today.

Reverend Fishel comes to us from Pilot Mountain and Mount Airy, North Carolina, where he shepherds the flock at Temple Baptist Church. Reverend Fishel has faithfully served in the ministry of Temple Baptist since 1997 and he became the full-time youth minister in 1999 after sensing a call to serve God in the local church.

With the passing of Temple Baptist's pastor in 2003, Reverend Fishel took up his current role as the church's pastor, where he is devoted to spreading the good news to his congregation and community.

Under his leadership, the church body at Temple Baptist Church in

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Mount Airy has thrived. He has worked tirelessly to increase the outreach and effectiveness of Temple Baptist in the local community. He has shown a remarkable commitment to educating leaders in the local church so that many within the church can use their God-given gifts.

I am very pleased that Reverend Fishel joined us today to open the House of Representatives with such an inspiring prayer. He is a model of service to God, country and community; and he plays a vital spiritual role in Surry County, North Carolina. I am proud to welcome him to the people's house.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 1-minute speeches on each side.

PAYCHECK FAIRNESS ACT

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

Ms. DELAURO. Mr. Speaker, I rise today in support of every working woman who faces pay discrimination in the workforce and call on the House to pass the Paycheck Fairness Act. Last week, the Supreme Court ruled 5–4 to limit the ability of women and other employees to sue their employers for pay discrimination under title VII. The court decided that a victim of pay disparity should be able to document a discriminatory difference in pay within a mere 6 months, despite the typical office secrecy over income.

The Supreme Court is essentially rolling back efforts to ensure equal pay. When women still earn only 77 percent of what men earn, this ruling leaves these individuals with no recourse or remedy.

The Paycheck Fairness Act will help women confront discrimination in the workplace and give teeth to the Equal Pay Act by prohibiting employers from retaliating against employees who share salary information with their coworkers; allowing women to sue for punitive damages and recovery of back pay; and create a new program to help strengthen the negotiation skills of girls and women.

Mr. Speaker, next Sunday, we commemorate 44 years since John F. Kennedy signed the Equal Pay Act and still equal pay is not a fact of life for American women. It is time to value the work that women do in our society. Let's pass the Paycheck Fairness Act.

HOUSTON'S PASSPORT CRISIS

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

Mr. BRADY of Texas. Mr. Speaker, my message today is to our State Department in Houston. We have a problem, a serious passport problem that reached a crisis stage. We have families who applied in February for their passports that have not received them yet. We have wives that can't meet their soldier husbands on leave from Iraq. We have families who aren't able to go to experimental surgery out of this country, families leaving for the last time before college together who are simply denied the opportunity to travel.

Our passport offices are overwhelmed. Our people wait in line for hours, if not days, getting there at 4 o'clock in the morning. We appreciate the 20 additional staff the State Department sent. They are overwhelmed. We appreciate the 1–800 number. It is a middle man and causing more problems.

We need more staff. We need more information call lines manned 24/7. We need more resources. It is wrong. As our constituents tell us, they feel like they are in a third-world country. We think they deserve better treatment than that; and this deserves immediate attention, immediate, absolute action by the State Department.

PAY DISCRIMINATION

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Mr. Speaker, last week, the Supreme Court dealt a serious blow to women pursuing pay discrimination claims.

For the majority of her 20-year career, Lilly Ledbetter was paid less than her male counterparts, including those with less seniority for doing the exact same work. By her own calculations, she was now being shortchanged by about $15,000 annually.

Her experience is, unfortunately, a common one. In the Supreme Court decision, Ledbetter versus Goodyear Tire, the Court ruled that she had missed her window of opportunity to file a claim covering the many years of discrimination she faced.

We need to close this loophole by making every pay period a new infraction. This way, employees can challenge unfair practices that persist over time but don't come to light for years later.

Inequality still exists. It is our job to fix it.

□ 1010

FIX THE LEAK OR BUY MORE BUCKETS

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

Mr. POE. Mr. Speaker, when Hurricane Rita hit southeast Texas, a pine tree fell on our house and caused a leak in the roof. The water came into the house, and I couldn't put enough buckets under the leak to catch all that water. I didn't really know what to do. Eventually it dawned on me, I had to go up on the roof and fix the leak or water would have continued to fill all those buckets and more. The ''grand bargain'' immigration plan is really a plan to buy more buckets for the big leak on our border.

The government is missing the obvious. Until we fix the leak, we can never deal with all of the water from the leak. Until Uncle Sam enforces border security, we cannot solve the problem with the illegals already here.

The so-called immigration reform bill deals with the wrong issue first. It legalizes the illegals while inadequately securing the border. Secure the border and then come up with a plan that is not amnesty in dealing with the people here illegally. Otherwise, we will keep buying more buckets and the real problem will never be solved.

And that's just the way it is.

FOOD AND FARM BILL OF RIGHTS

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

Mr. BLUMENAUER. Mr. Speaker, Congress is in the process of updating the Nation's agricultural policy for the first time since 2002 to see if it can serve the interests of all America's farmers and ranchers. This is more than a farm bill, it is a food bill as well. Everyone who eats is affected by our food and farm policy.

Michael Pollan explained how the farm bill is the reason that a package of Twinkies, which contains 39 complex ingredients, costs less than a bunch of carrots straight from the farm. The farm bill should serve all Americans, not just a few special interests.

Today, 70 percent of the payments go to the richest 10 percent of the farmers, while 60 percent of America's farmers and ranchers get no support whatsoever.

It is time for a food and farm bill of rights that provides a comprehensive guide to reform the farm bill. We must move beyond the policies that were written for the Depression or the 1950s to one designed for the world we live in today; and, more important, the world we want to live in tomorrow.

RISING ENERGY COSTS

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

Mrs. BLACKBURN. Mr. Speaker, I rise to speak about the need for this Congress to address the rising energy costs across America. Gas prices are continuing to rise, and our energy needs across our country continue to increase. The American people expect us to do something about this, to solve the problem.

Yet the liberal leadership of this Congress is missing in action. Instead of

coming forward with a real plan to solve our energy problems, they are preparing to recreate the energy crisis of the late 1970s. Are the American people really ready for long lines, rationing, and higher prices?

The policies of the 1970s should have been a wake-up call for us. But instead of instituting a plan for American energy independence back then, we just kicked that can a little further down the road.

So today, my GOP colleagues and I will unveil a multi-tiered plan that focuses on innovative ways to create new American sources of power through conservation exploration and cutting-edge technologies. We will act to fill the need.

PASS EMBRYONIC STEM CELL RESEARCH

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

Mr. COHEN. Mr. Speaker, there are many issues that face America that are of great importance, from the Iraq War to global warming. These global issues must be dealt with, but we have lacked the leadership in this administration to make the world proud of America and see us as a leader on such issues.

On Wednesday, this House will vote on an embryonic stem cell research bill sent from the Senate which the President has threatened to veto. I don't think there is a more important bill that this House could pass and send to the President and for the President to sign than embryonic stem cell research.

Mr. Speaker, if you or anybody in your family has Parkinson's disease, Alzheimer's disease, spinal cord injury, cancer, stroke, burns, heart disease, diabetes, osteoarthritis or rheumatoid arthritis, you could have relief and possibly a cure for that illness because of embryonic stem cell research. America could reestablish itself as a country that has the best scientific research and provides the world with hope for cures for these catastrophic illnesses.

Last night in the Republican debate, one of the candidates said we need to find a cure for cancer. He's right, and the way to do it is through embryonic stem cell research. I urge this House to pass the bill, and I urge the President to have the courage to do the right thing and be pro-life and extend life for people on this planet.

BODY ARMOR FOR TROOPS

(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, today the House Armed Services Committee will examine the issue of body armor for our troops in combat. Fortunately, before going into recess for Memorial Day, Congress passed a critical war funding bill that will allow the military to purchase body armor and other equipment for our men and women in uniform.

I was grateful to visit with our troops during the break in Iraq and Afghanistan. Everywhere we went, the troops thanked us for passing the legislation to provide for their being fully equipped.

Our soldiers are fighting the terrorists overseas so we do not have to face them again in the streets of America. We are protecting American families in stopping al Qaeda's threat to our Nation.

On the 63rd anniversary of D-day, we appreciate the new greatest generation. I am pleased Congress passed and President Bush signed a bill that will provide our military with the tools it needs without handcuffing our commanders on the battlefield.

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

PAY DISCRIMINATION MUST BE CORRECTED

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

Mrs. CAPPS. Mr. Speaker, I voice my deep disappointment with the recent Supreme Court decision in Ledbetter v. Goodyear Tires.

Women, on average, are paid less than their male counterparts. For women of color, the pay is much less. Unless you can look me in the eye and say that women are less intelligent, less capable than their male counterparts in the same fields, the most glaring explanation for this discrepancy is discrimination.

We have made great strides in working to equalize wages for all Americans regardless of gender, race or age. But the decision last week to limit a worker's available recourse in the face of discrimination is a setback to all of our civil rights, and reminds us of how far we still have to go.

Now we must mobilize. To fix this disparity, we must move forward and correct the law so this misinterpretation will never occur again. I urge my colleagues to support a legislative remedy to preserve a worker's right to be compensated for discrimination.

ELECTRONIC HEALTH RECORDS

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

Mr. BOUSTANY. Mr. Speaker, during my career as a heart surgeon, I saw too many patients who were trapped in a paper-based system that leads to duplicative tests and avoidable medical errors.

Despite the advancement of innovative health information technology, America's health care system remains trapped in the 20th century. The need for health IT became even more apparent during Hurricanes Katrina and Rita, when I saw displaced patients present themselves in makeshift clinics with little or no medical history to guide their health providers.

To date, only 24 percent of Louisiana physicians have converted their offices to electronic health records because many are unwilling or unable to handle the cost.

I will soon introduce a bill to create a demonstration project through the Department of Health and Human Services to provide financial incentives to providers and health information exchange networks to encourage the adoption and use of interactive personal health records.

Health IT will greatly improve the quality of information and care that patients receive, but Congress should do more to encourage physicians to transfer to a paperless system.

PAY EQUALITY

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

Ms. SOLIS. Mr. Speaker, today I rise to voice my strong disapproval of the Supreme Court's decision last week that effectively endorsed pay discrimination against women.

Pay equity is a problem for women around the country, but especially for women of color, women who look like me. On average, African American women earn only 64 cents for every dollar and Latinas earn only 52 cents on the dollar compared to their white male counterparts.

We need to protect the rights of workers, to remedy wage discrimination, and do more to close the pay gap between men and women. That is why I cosponsored the Paycheck Fairness Act, which would give teeth to the Equal Pay Act. The Paycheck Fairness Act would entitle the plaintiffs to backpay, compensatory, and punitive damages for ''intentional'' wage discrimination.

Without serious penalties for wage discrimination, violations will continue and working men and women and their families will suffer.

We can and must fix the Equal Pay Act so workers all around can be fairly compensated for wage discrimination, and we must pass the Paycheck Fairness Act to close the wage gap.

□ 1020

SAMEH KHOUZAM

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

Mr. PITTS. Mr. Speaker, I rise today on behalf of Mr. Sameh Khouzam. In 1998, Mr. Khouzam fled Egypt to the United States to escape persecution and torture at the hands of the Egyptian officials. Mr. Khouzam currently

works in my district and by all accounts is an upstanding, contributing member of the community.

In 2004, our courts gave him protection because they believed, ''it is more likely than not'' that he would be tortured should he return to Egypt. Even our State Department reports outline extensive torture in Egypt. Having personally heard stories of individuals who have suffered torture by Egyptian authorities, I firmly believe that the court has been right to prevent his deportation.

U.S. officials are now prepared to ignore the court's decision and deport Khouzam based on nothing more than ''assurances'' of no torture from known torturers.

Mr. Speaker, a former CIA officer stated this week on an Australian news program that sending someone like Khouzam back to Egypt is ''tantamount to condemning them to death.''

Our government has the ability to prevent his torture. Do not deport Mr. Khouzam.

CAPITOL HILL OCEANS WEEK

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

Mr. FARR. Mr. Speaker, I rise today in recognition of Capitol Hill Oceans Week. The President has declared June as Oceans Month, and this Friday will be an international celebration of Oceans Day.

Why do we need to pay attention to the oceans? Well, the oceans are dying, and the earth is dependent upon them. We are dumping everything we don't want into the ocean and extracting every living thing we can to eat.

We've created commissions by Congress and by private trust of the best talent in America to advise Congress on what we should do, and they recommended national ocean governance policies, new policies that can be adopted by this Congress.

I've introduced that bill, H.R. 21, and as National Oceans Week, Day and Month, I'd like to ask all my colleagues to seriously consider cosponsoring H.R. 21. It provides solutions to the problems of the earth.

MARKING THE ANNIVERSARY OF D-DAY

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

Mrs. BACHMANN. Mr. Speaker, today, June 6, marks the anniversary of D-day, the invasion of Normandy. It marks one of the most selfless acts of humanitarian love known in the history of mankind. It exemplifies a Nation's willingness to lay down our lives and to expend our treasure to free a people from brutal oppressors.

Today, Mr. Speaker, America remains the greatest Nation on earth, and we have our American soldiers to thank for securing our safety, for securing our freedom.

To those who marched to a near certain death that morning on a French sandy shoreline, we pay you tribute. We can never repay the price that you paid for our freedom, but we will never forget that cost that you paid.

There is no greater love than this but that we lay down our lives for our friends.

GITMO

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

Mr. MORAN of Virginia. Mr. Speaker, on Monday, military judges dismissed the cases against the only two men to have been charged with a crime still being held at Guantanamo Bay. This legal impasse creates an imperative for Congress to address the legal black hole that we have created at Guantanamo.

There have been almost 800 people sent to Guantanamo. There are 385 left; and, of those 385, only 80 will be charged and tried with a crime. Now, that means that 90 percent will not even be charged and tried, but it will take more than a decade even to try those 80 people, given the island's remote location. In fact, there's only one courtroom there.

Mr. Speaker, every day that we keep Guantanamo open, we damage our credibility and we lose ground in the global war on terror. Congress has an opportunity to change this wrongheaded policy, and we can do so by shutting the facility down and transferring the detainees to the U.S. military brig system. There they will still be under lock and key but also have the right to a fair and speedy trial.

The United States is a country that should stand for justice and be governed by the rule of law. Our policy should reflect our values. Guantanamo does not.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

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

Mr. KLEIN of Florida. Mr. Speaker, I rise today to support the Stem Cell Research Enhancement Act of 2007.

Stem cell research has the capability to cure our most common and pervasive diseases and conditions. From Alzheimer's to Parkinson's disease, cancer to juvenile diabetes, the potential of stem cell research presents one of humanity's greatest leaps toward the ultimate goal of preserving, prolonging and improving life.

As a member of the Florida State Senate for 10 years, leading efforts to utilize and fund embryonic stem cell research was not just a priority of mine, it was a mission.

A large part of my passion and drive toward funding stem cell research is driven by people like Adam Susser, a young boy from the town I reside in, Boca Raton. Adam was asphyxiated at birth and, as a result, is cortically blind with quadriplegic cerebral palsy.

It is driven by Matthew Romer, a young boy in south Florida who died from a fatal genetic disease, despite both parents being told they did not carry the gene.

Both Adam and Matthew suffer from illnesses that stem cell research could find cures for.

Today, I encourage my friends in Congress to support the Stem Cell Research Enhancement Act. The passage of this Act is vitally important to the millions of Americans who suffer today from incurable disease and to the millions of Americans who will suffer from incurable diseases in the future.

PAYCHECK FAIRNESS ACT

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

Mr. HARE. Mr. Speaker, according to the National Committee on Pay Equity, working women stand to lose $250,000 over the course of their careers because of unequal pay practices. While women's wages and educational achievements have been rising, there's still a sizeable gender wage gap. This is a national disgrace.

Unfortunately, last week's Supreme Court decision, Ledbetter v. Goodyear, does little to achieve fairness for American workers. In a narrow 5–4 decision, the Supreme Court threw out the case, not just because she wasn't being discriminated against but because she filed her claim too late.

This interpretation, which has been rejected by eight Federal appeals courts and the EEOC, fails to realize that employees are discriminated against every time they receive a discriminatory paycheck.

Congress needs to step in and stand up for ordinary people without delay. We should move quickly to pass Congresswoman DELAURO's Paycheck Protection Act that would provide remedies to women facing pay discrimination.

Mr. Speaker, I don't want to live in an America where my daughter earns less than my son for doing the same job.

U.S. ATTORNEYS

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

Mr. PASCRELL. Mr. Speaker, the Supreme Court, the judicial branch of our government, has ruled that the President of the United States is not above the law, even during time of war.

The Attorney General's office within the executive branch of government is undermining the entire judicial system. Over 400 U.S. attorneys have been

confirmed over the last 20 years. Three have been fired for political partisanship during that time.

However, in the last 9 months, nine have been fired because they didn't bow to the partisan pressures of the executive branch of government. The Attorney General has allowed these nine U.S. attorneys names to be trashed in the public.

This is worse than Watergate. There is reason to believe that a cover-up occurred, and that will be worse than the dirty deed. How did each of these get on the list in the first place? And out of the original 30, how did you get off the list? What did you have to do to be removed from that list, Mr. Attorney General?

This is not the moral high ground. No one is above the law.

□ 1030

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. Members are reminded to address their remarks to the Chair.

PERMITTING OFFICIAL PHOTOGRAPHS OF HOUSE OF REPRESENTATIVES TO BE TAKEN WHILE HOUSE IS IN SESSION

Mr. BRADY of Pennsylvania. Mr. Speaker, I offer a resolution (H. Res. 460) and ask unanimous consent for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 460

Resolved, That on such date as the Speaker of the House of Representatives may designate, official photographs of the House may be taken while the House is in actual session. Payment for the costs associated with taking, preparing, and distributing such photographs may be made from the applicable accounts of the House of Representatives.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1537) to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1537

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

SECTION 1. TRANSFERS FROM SENATE GIFT SHOP REVOLVING FUND.

Section 2(c) of Public Law 102–392 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

''(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 459, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM 21ST CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–175) on the resolution (H. Res. 459) dismissing the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 461, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM 24TH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–176) on the resolution (H. Res. 461) dismissing the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 462, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM FOURTH CONGRESSIONAL DISTRICT OF LOUISIANA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–177) on the resolution (H. Res. 462) dismissing the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana, which was referred to the House Calendar and ordered to be printed.

REPORT ON HOUSE RESOLUTION 463, DISMISSING ELECTION CONTEST RELATING TO OFFICE OF REPRESENTATIVE FROM FIFTH CONGRESSIONAL DISTRICT OF FLORIDA

Mr. BRADY of Pennsylvania, from the Committee on House Administration, submitted a privileged report (Rept. No. 110–178) on the resolution (H. Res. 463) dismissing the election contest relating to the office of Representative from the Fifth Congressional District of Florida, 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, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

NATIONAL STEM SCHOLARSHIP DATABASE ACT

Mr. HOLT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1051) to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1051

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National STEM Scholarship Database Act''.

SEC. 2. NATIONAL DATABASE ON FINANCIAL ASSISTANCE FOR STUDY OF SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) ESTABLISHMENT AND MAINTENANCE OF DATABASE.—

(1) DATABASE.—The Secretary of Education shall establish and maintain, on the public website of the Department of Education, a database consisting of information on scholarships, fellowships, and other programs of financial assistance available from public and private sources for the study of science, technology, engineering, or mathematics at the post-secondary and post-baccalaureate levels.

(2) PRESENTATION OF INFORMATION.—The information maintained on the database established under this section shall be displayed on the website in the following manner:

(A) Separate information shall be provided for each of the fields of study referred to in paragraph (1) and for post-secondary and post-baccalaureate programs of financial assistance.

(B) The database shall provide specific information on any programs of financial assistance which are targeted to individuals of

a particular gender, ethnicity, or other demographic group.

(C) If the sponsor of any program of financial assistance included on the database maintains a public website, the database shall provide hyperlinks to the website.

(D) In addition to providing the hyperlink to the website of a sponsor of a program of financial assistance as required under subparagraph (C), the database shall provide general information that an interested person may use to contact the sponsor, including the sponsor's electronic mail address.

(E) The database shall have a search capability which permits an individual to search for information on the basis of each category of the information provided and on the basis of combinations of categories of the information provided, including whether the scholarship is need- or merit-based and by relevant academic majors.

(F) The database shall include a recommendation that students and families should carefully review all of the application requirements prior to applying for aid, and a disclaimer that the scholarships presented in the database are not provided or endorsed by the Department of Education or the Federal Government.

(b) DISSEMINATION OF INFORMATION ON DATABASE.—The Secretary shall take such actions as may be necessary on an ongoing basis, including sending notices to secondary schools and institutions of higher education, to disseminate information on the database established and maintained under this Act and to encourage its use by interested parties.

(c) USE OF VENDOR TO OBTAIN INFORMATION.—In carrying out this Act, the Secretary of Education shall enter into a contract with a private entity under which the entity shall furnish and regularly update all of the information required to be maintained on the database established under this section.

(d) ENCOURAGING THE PROVISION OF INFORMATION.—In carrying out this Act, the Secretary of Education and the contracted entity shall consult with public and private sources of scholarships and make easily available a process for such entities to provide regular and updated information.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act such sums as may be necessary for fiscal years 2008 through 2012.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. HOLT) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. HOLT. Mr. Speaker, I request that there be 5 legislative days during which Members may insert material relevant to H.R. 1050 into the RECORD, and I ask unanimous consent that Members be allowed to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, I will be brief. This is an important piece of all of the work that we have to do to improve our science, engineering, technology and mathematics capability here in the United States. Specifically, this bill establishes a complete database of all available scholarships from public and private sources, fellowships, and other programs of financial assistance for the study of science, technology, engineering and mathematics.

The Act, specifically known as the National STEM Scholarship Database Act, directs the Secretary of Education to establish and maintain a public Web site through which individuals may find a complete database of available scholarships, fellowships and financial assistance.

The Secretary of Education will also, under this legislation, disseminate information about the database to secondary schools and to colleges and universities, institutions of higher education. It will serve as a one-stop shop for financial aid information for those who want to study in the STEM fields.

Now, it may be surprising to my colleagues that this doesn't already exist. But it does not. Although there are many things that we need to do to improve science and math teaching in elementary and secondary schools and in higher education, and encourage students toward science and technology fields, this is one important thing we can accomplish today.

We all know that higher education is expensive. In fact, many students are deterred from studying these important fields because of the cost.

Yet, at the same time, some of the opportunities for financial assistance go unused, and, students, however motivated they may be, often don't know where to start to look for financial assistance. Certainly in high school, school counselors are overloaded with typically 400 students each, and as a college student is trying to decide on a major and a specific field of engineering, for example, it's hard to know where to turn for financial assistance.

This simple straightforward database available through a Web site will greatly, I think, facilitate the student's ability to go into these STEM fields. It will serve all students at all levels as they are thinking about going into college, as they are thinking about choosing a major in college, as they are thinking about going to graduate school, as they are thinking about whether or not to teach in a science or engineering or mathematics area.

This is an important and straightforward piece of legislation that will assist our nation's students in studying science and math, and will assist our country in our efforts to be more competitive internationally.

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

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1051, which is a bill to establish a public Web site through which individuals may find a database of available scholarships and fellowships and other programs of financial assistance for the study of science and technology and engineering and math.

Before I begin, I just want to commend the gentleman from New Jersey for introducing this piece of legislation and for his leadership in this area. I also want to commend the gentleman from Michigan (Mr. EHLERS) for his leadership, as well as Mrs. MCMORRIS RODGERS, Mrs. BIGGERT and others for their support of this bill itself.

I am a strong proponent, strong proponent of STEM education programs. Anything that Congress can do to strengthen interest in these fields is wholeheartedly welcome.

As a physician, I understand and appreciate the challenge that our Nation has in maintaining its preeminence in these fields. Encouraging our best and brightest and interested young people to choose this field of study is a positive step, and I believe this bill is a step in that direction.

As we continue to discuss new ideas for the reauthorization of the Higher Education Act, it's important that we develop proposals that will ensure students are informed about their options for financial aid, both from the Federal Government and from the private sector. In fact, the House has already taken one step in that direction, included in H.R. 890, the Student Loan Sunshine Act, which passed last month, was a proposal that was offered by Representative KELLER, that would make it easier for students to get information on their options for Federal financial aid.

This proposal would launch a single Web site for opportunities for financial aid in fellowships and scholarships being offered by any agency within the Federal Government.

This bill simply takes this idea one step further by making sure that information about scholarships and fellowships and other forms of private financial aid is readily available to students interested in pursuing their opportunities in education and science, technology, engineering and math. As we continue to examine proposals to increase America's competitiveness, it's helpful for us to equip students interested in pursuing careers in these fields with the information that they need that might assist them in financing their education.

For these reasons and others, I respectfully ask my colleagues to support H.R. 1051.

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

□ 1040

Mr. HOLT. Mr. Speaker, I thank Mr. PRICE, who is an original cosponsor of this legislation, along with many others from the Education Committee, from the Science Committee, and from elsewhere here in Congress.

And, with that, I am pleased to yield 3 minutes to the gentleman from Texas, my colleague on the committee on Education and Labor, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 1051, the National STEM Scholarship Database

Act. I would like to commend the work of my good friend and colleague from New Jersey, Congressman RUSH Holt, for bringing this bill forward and for all of his efforts to ensure that our Nation stays at the forefront of the STEM fields. I share his commitment to mobilizing our resources at all levels to expand the pool of opportunities in these career fields that are critical to our future security and prosperity.

It is no secret that we are losing our competitive edge in producing experts in science, technology, math and engineering. Of the 42 countries that granted more than 20,000 university degrees in 2002, the United States is in the bottom quartile in the ratio of STEM college degrees awarded.

Our pool of future STEM professionals can be found in our public schools in America. The 2007 ''Condition of Education'' reminds us that a growing percentage of these students are minorities, with a growing percentage from low-income families. These are the students that will rely on college scholarships and college financial aid to achieve the dream of a college education.

The National STEM Scholarship Database will be an invaluable tool to help our young people to find the resources they need to finance college education in the STEM fields.

As the chairman of the Subcommittee on Higher Education, I believe this legislation will also underscore that a STEM career is possible, an essential message for our young people to hear.

This is a real service to our young people and to our Nation. I thank the gentleman from New Jersey for his efforts, and urge all my colleagues to support this legislation.

Mr. PRICE of Georgia. Mr. Speaker, at this time I'd like to yield 5 minutes to the gentleman from Michigan, who has been pivotal in this area, in this field, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, I rise in support of the National STEM Scholarship Database Act, H.R. 1051. I thank my friend and fellow physicist, Congressman RUSH HOLT, for introducing this important legislation; and I am pleased to be a cosponsor of this excellent bill.

For several years, Congressman HOLT and I have worked tirelessly to improve our Nation's math and science education. It has been wonderful to have a Member from the other party sharing my concern about the quality of math and science education in this country and the limited number of young people who are pursuing math and science-related degrees. In fact, I'm very pleased that Representative HOLT and 115 other Members have joined the STEM Education Caucus that I founded in 2004.

Of course, I'm sure by now everyone knows that STEM stands for science, technology, engineering and mathematics. It's very important to make that clear, because tomorrow we'll be debating a few stem-cell issue bills on the floor, and this bill has nothing to do with that.

This year, an estimated 111,000 students in Michigan will graduate from high school and may face the pricey but critical investment in their future known as paying college tuition and fees. In Michigan, the average cost of tuition fees is about $6,200 per year at a 4-year public university and $13,250 at a 4-year private university, according to the Chronicles of Higher Education.

Unfortunately, data have shown that some students do not attend college or graduate school because they think they cannot afford it. According to the National Center for Education Statistics, science and engineering students who had taken out loans as undergraduates were more likely to indicate a cost-related reason for not applying to graduate school, compared to students who had never borrowed funds.

Unbeknownst to some students, significant financial aid resources are available. The Federal Government alone provided about $80 billion in student financial aid this fiscal year, with States providing almost $8 billion in additional financial aid. Also, the private sector provides significant financial aid resources.

The National STEM Scholarship Database Act will provide students with better information about available financial aid resources related to the STEM fields. It simply establishes a database to be accessed on the U.S. Department of Education's Website. I am very hopeful that this database will link students with available financial aid resources, and I particularly hope this will encourage more students to enter STEM-related careers by entering graduate schools related to the STEM fields.

This is an excellent bill, and I urge my colleagues to support it.

I again thank Congressman HOLT for his work on improving STEM education and urge all of our colleagues to support this bill.

Mr. HOLT. Mr. Speaker, I thank the gentleman from Michigan for his support and also for pointing out that this has nothing to do with pleuropotent stem cells but has to do with what is generally known as STEM education, science, technology, engineering and mathematics education.

Mr. Speaker, I'm now pleased to yield 2 minutes to the gentleman from Illinois, my colleague on the Education Committee, Mr. HARE, who understands that financial assistance is necessary for nearly two-thirds of undergraduates and most graduate students, and anything we can do to help them take advantage of available financial aid will improve their lives and our society. Mr. HARE.

Mr. HARE. Mr. Speaker, I come to the floor today as a cosponsor and a very strong supporter of H.R. 1051, the National STEM Scholarship Database Act. I want to commend my friend, Congressman RUSH Holt, with whom I serve on the Education and Labor Committee, for introducing this vital piece of legislation.

America's global competitiveness will increasingly depend on our ability to attract more of our best and brightest students into technological careers.

Sadly, the U.S. is growing reliant on foreign talents to fulfill its science and engineering workforce needs. According to the National Science Foundation, 25 percent of all college-educated professionals in science and engineering occupations in the United States are foreign born.

The National STEM Scholarship Database addresses this problem by directing the Secretary of Education to establish a database on the Department's Web site with information on financial assistance for postsecondary and graduate programs in science, technology, engineering and mathematics. This important database will help capable students who are interested in STEM careers find scholarships to support their studies.

We all know the cost of higher education is very expensive. In fact, two-thirds of undergraduate students are on some form of financial aid. Therefore, identifying funding opportunities is critical to the recruitment of aspiring STEM students.

H.R. 1051 is endorsed by all sectors of the technological workforce, and I urge my colleagues to help the U.S. stay globally competitive by voting for this bill.

Mr. PRICE of Georgia. Mr. Speaker, I'm now pleased to yield 2 minutes to my good friend from Illinois (Mr. MANZULLO) who's been a leader in this field as well.

Mr. MANZULLO. Mr. Speaker, the science and technology and math education fields, they are inseparable, tremendous assets to our economic strength and national security. These disciplines are critical to ensuring our global competitiveness, and the demand for knowledge-based jobs is growing.

From 1994 to 2003, the proportion of the work force working in STEM fields jumped from 17 percent to 23 percent. Furthermore, if trends in manufacturing continue, over 40 percent of factory jobs will require postsecondary education by 2012.

□ 1050

I spend at least half of my time in Congress working on manufacturing issues, one of the founders of the manufacturing caucus, and serve as co-chairman, along with Congressman TIM RYAN from the State of Ohio, and this is obviously a bipartisan effort in order to encourage more education of people who will be qualified to play a more meaningful role in the field of manufacturing.

The skyrocketing cost of college education have made access to this type of education more and more difficult for many of our brightest students. This bill seeks to correct the problem. It

creates a web portal of public and private science, technology, math education scholarships, loans, and grants that are available. And the database would be searchable by field of study, demographics, and level of study. By placing all of these scholarships in one easily accessible location, H.R. 1051 greatly increases the chances that our students will be able to pursue these valuable opportunities.

It is not without coincidence this bill comes up 3 to 4 weeks after the missed reauthorization wherein we set aside a certain amount of money to complete the huge web portal that would replace what agencies are doing in manufacturing and what programs are available. So this fits very tidily into that program, and I would encourage that the House adopt it.

Mr. HOLT. Mr. Speaker, I am now pleased to yield 3 minutes to the gentlewoman from New York, my colleague on the Committee on Education and Labor (Mrs. MCCARTHY), who also understands the importance of this legislation to individual students as well as to our economy at large.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding, and I would like to thank my colleague from the Education Committee, Congressman HOLT, for bringing this measure to the floor.

Mr. Speaker, I rise in strong support of H.R. 1051, the Science, Technology, Engineering, and Mathematics Scholarship Database Act. This legislation will help students become more competitive in science and math and allow them to find the scholarship that is right for them.

Mr. Speaker, in the audience today we have many young students. This is the future of this country. And we have to do everything that we can to encourage our young people to go into the sciences, math, and engineering. Last year the Education Committee went to China and we spoke with many students there and the minister of education. And their effort, and certainly on what they are pushing their young people to do, is to go into the math and sciences.

This country has an obligation to give our young people the ability to compete in the future. This kind of legislation is going to help in so many ways as far as our country on our economy. But more than that, our young people deserve this opportunity.

When you think back to the 1960s when we were looking at the moon and having programs that were putting us into space, those were kids' dreams. We need to reunite that dream, to have people understand that engineering and math is exciting. The last several years Mr. HOLT and Mr. EHLERS have been talking about science and math in our committee; so it is right that at this time we are pushing to encourage our young people, saying if these are the careers that you want to go into, we are going to help you between a private partnership and certainly with the government's helping. This is a great piece of legislation. We should be seeing more and more of this. This is only the beginning.

And I have to say last week I had a field hearing back in my district, and the issue had to do with gangs. And we had testimony from all the experts. But even those young people that had gotten into gangs, all they were asking for were opportunities to better themselves. This young fellow did go back to college. He did start studying science and math, and now he is reaching out. Education is the most important thing that we can do for our young people and for this country.

So, again, I thank my colleague Mr. HOLT for bringing this, and I encourage certainly all of my colleagues to support this legislation H.R. 1051. This is only the beginning. We must do more things like this.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to refrain from references to persons in the gallery.

Mr. PRICE of Georgia. Mr. Speaker, I simply want to close and commend once again my good friend Mr. HOLT for introducing this legislation and for moving this forward.

I think the discussion that we have had has been good. I think that the breadth of individuals that have signed on as cosponsors to this legislation, as well as the diversity of the background of those Members who have come to the floor today to speak on behalf of this legislation, give testimony to the importance of moving forward and having this kind of information available.

So I urge my colleagues to support H.R. 1051.

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

Mr. HOLT. Mr. Speaker, I yield myself the balance of my time.

As I said earlier, it may come as a surprise to my colleagues that this single database where any student who might be interested in science, technology, engineering, or mathematics could go might, they might be surprised that it doesn't already exist. In fact, it doesn't.

This is straightforward legislation that will make it easier for students to pursue a line of study or one of a number of lines of study that are critically important not only for their personal development, but for our economy and our society, our international competitiveness, indeed, the future of our country.

This is only one piece of the many things that we need to do that you have heard from other speakers about this morning. It is a straightforward, simple thing that we can do, that is not expensive. If we could, through this inexpensive method, encourage eight or ten or twelve more students to go into science, that would be wonderful. Instead, I expect we will get hundreds, if not thousands, who will find their way into these critical fields because of the existence of a database that gives them a place to start as they look to their future.

With that, Mr. Speaker, I urge the passage of H.R. 1051, as amended.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in strong support of the National STEM Scholarship Database Act. In a time of global economic and scientific competition, we must ensure that our brightest young people have the resources to pursue careers in science, technology, engineering, and math.

When students graduate from American universities with undergraduate degrees, they graduate with on average, $20,000 in debt. This undergraduate debt is a significant factor in a student's decision to pursue graduate school. And among science and engineering students, those who had debt from their undergraduate education were more likely to say they could not afford graduate school.

We cannot afford to limit the potential of these students, or those who find the cost of even an undergraduate education prohibitive. We cannot afford to have ambitious students with interest and aptitude in science or math or engineering shut out of our colleges. We need Americans with advanced degrees in the STEM fields to propel our Nation forward in discovery and innovation.

This bill makes it easier for students to find scholarships and grants to finance their educations. It does not require a significant investment from the Federal Government—although I believe we should make the investment in more Federal loans in the future. It simply creates a central location where students can learn about their options.

This is a common sense way to help students pursue careers in science, technology, engineering, and math. It is a simple, low-cost part of our competitiveness agenda, and I urge my colleagues to vote for it today.

Mr. HOLT. 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 New Jersey (Mr. HOLT) that the House suspend the rules and pass the bill, H.R. 1051, as amended.

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

A motion to reconsider was laid on the table.

FIRST HIGHER EDUCATION EXTENSION ACT OF 2007

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2559) to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2559

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 ''First Higher Education Extension Act of 2007''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (P.L. 109–81; 20 U.S.C. 1001

note) is amended by striking ''June 30, 2007'' and inserting ''October 31, 2007''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (P.L. 109–171) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentleman from Georgia (Mr. PRICE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent for 5 legislative days during which Members may insert material relevant to H.R. 2559 into the RECORD.

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

There was no objection.

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

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

□ 1100

Mr. HINOJOSA. Mr. Speaker, I rise in strong report of H.R. 2559, a bill to extend the Higher Education Act through October 31, 2007.

This bill is very straightforward. It simply extends the current programs authorized under the Higher Education Act until October 31, 2007, giving us the time to fully consider and complete the reauthorization act.

I would like to thank Congressman MCKEON, the ranking member of the full committee, and Congressman RIC KELLER, the ranking member of the Subcommittee on Higher Education, Lifelong Learning and Competitiveness, for joining Chairman GEORGE MILLER and me in bringing this noncontroversial extension to the floor in a bipartisan manner.

I urge all of my colleagues to support this legislation.

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

Mr. PRICE of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2559, which is a measure to extend programs under the Higher Education Act that are set to expire at the end of this month.

I want to thank my committee colleagues, Chairman MILLER, Chairman HINOJOSA, Mr. MCKEON and Mr. KELLER for their work on this bill, as well as their consistent efforts on behalf of our Nation's college students and their families.

Bolstering our higher education and student aid programs has long been a priority for Congress, regardless of which party was in the majority. In the last Congress, for example, under Republican leadership, we passed a measure that reduced lender subsidies, increased loan limits for students, and provided additional resources for students studying math, science and critical foreign languages in college.

Unfortunately, the Senate didn't act on the higher education reauthorization in the last Congress, so we were forced to extend programs under the law last September. In that extension, we included a number of important benefits for college students and institutions of higher education as well. For example, we reduced red tape and provided loan forgiveness to spouses and parents of those who died or became disabled on September 11.

Mr. Speaker, just last month, the House continued our work to strengthen the student aid system by passing the Student Loan Sunshine Act, bipartisan legislation that will restore confidence in the relationships between student lenders and colleges and universities.

Now, as we prepare anew to reauthorize programs under the Higher Education Act, we are again faced with the need to pass an extension of these programs to bridge this gap. Now, make no mistake, the measure before us today is worthy of our support, but, at the same time, I am hopeful that our friends on the other side of the Capitol will renew their commitment to a full reauthorization. These extensions, now five of which we've had in the last Congress alone, ought to become a thing of the past.

Mr. Speaker, I look forward to working with my colleagues on both sides of the aisle and on both sides of the Capitol in completing our reauthorization work in the 110th Congress. Just as importantly, I also look forward to working toward reforms that recognize the contributions of market-based programs that have been made on behalf of millions of students for the last several decades. In the meantime, I urge my colleagues to support this resolution.

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

Mr. HINOJOSA. Mr. Speaker, I want to express my strong commitment, as chairman of the Higher Education Subcommittee, that I will work very closely with Congressman PRICE from Georgia and all of the members of our committee to be able to finish the work necessary to reauthorize the Higher Education Act sometime before the end of this year, hopefully in October.

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

Mr. PRICE of Georgia. Mr. Speaker, I am now pleased to yield to my good friend and fellow physician, a gentleman from Louisiana who has been a strong proponent of higher education in his work on the committee. I yield the gentleman 3 minutes.

Mr. BOUSTANY. I thank my colleague.

Mr. Speaker, it is high time that we actually get the work done on this. We really need to get this done permanently, but I rise in support of this extension so that we can continue to move the ball forward. It is my hope that the other body across the Capitol will move this time around. I know we are going to do it here in the House.

Mr. Speaker, I am pleased that the House has agreed to include a provision I offered with subcommittee Chairman ROB ANDREWS that would limit projected physician shortages. This was an amendment to the bill that we had in the 109th Congress, and it is my understanding that it will be included in the base bill, and I am very pleased.

I hope, also, that Congress will add a provision that I introduced with Congresswoman MCCARTHY to meet the future need of qualified nurses, which is an area where we have critical shortages throughout the country. And so it is my hope that as we go forward with this bill on the House side we can introduce this language into the bill or perhaps amend the bill, if necessary.

Once again, I think it is critical that we get the job done on this. We did our work in the 109th Congress. The other body needs to move forward. We need to complete our work here so we can get a good, solid reauthorization bill that will do justice to our higher education system.

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman once again for moving this issue forward. Again, I look forward to working with him as we move forward with the Higher Education Reauthorization Act. I am confident that we will be able to get it done in this Congress.

I urge my colleagues to support this resolution.

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

Mr. HINOJOSA. I thank Congressman PRICE for those closing remarks. And with that, Mr. Speaker, I ask the House to pass H.R. 2559.

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 Texas (Mr. HINOJOSA) that the House suspend the rules and pass the bill, H.R. 2559.

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.

HONORING THE MERCURY 13 WOMEN

Mr. WU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 421) honoring the trailblazing accomplishments of the ''Mercury 13'' women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 421

Honoring the trailblazing accomplishments of the ''Mercury 13'' women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space.

Whereas all of the Mercury 13 women were accomplished pilots with commercial ratings or better and at least 2,000 hours of flying time;

Whereas the Mercury 13 women passed the same rigorous physical and psychological tests that the original Mercury 7 astronauts had to undergo;

Whereas the Mercury 13 women successfully completed their testing at the Lovelace Clinic, in Albuquerque, New Mexico by the end of 1961;

Whereas the Mercury 13 women were prepared to continue their contributions to America's space program at the Naval School of Aviation Medicine in Pensacola, Florida, by undergoing advanced aeromedical examinations using jet aircraft and military equipment, until they were informed that their testing program was canceled;

Whereas the Soviet Union flew the first woman in space in 1963;

Whereas the United States flew the first American woman in space, Dr. Sally Ride, in 1983;

Whereas the United States flew the first woman to pilot the Space Shuttle, Lt. Col. Eileen Collins, in 1995;

Whereas the Mercury 13 women served as pathfinders for NASA's female astronauts; and

Whereas the careers of accomplishment of the Mercury 13 women can serve as an inspiration for other young women who are considering pursuing a career in aviation, astronautics, science, or engineering: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes and honors the contributions of Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman; and

(2) encourages young women to follow in the footsteps of the Mercury 13 women and pursue careers of excellence in aviation and astronautics, as well as in engineering and science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. 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 H. Res. 421.

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

There was no objection.

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

Mr. Speaker, I rise today to honor the trailblazing accomplishments of the Mercury 13 women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space. The Mercury 13 women were Myrtle Cagle, Geraldyn ''Jerri'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice ''Bea'' Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

All of these Mercury 13 women were accomplished pilots with commercial ratings or better and at least 2,000 hours of flying time, and they passed the same rigorous physical and psychological tests that the original Mercury 7 astronauts underwent. The Mercury 13 women were prepared to continue their service to America's space program, until they were informed that their testing program was cancelled.

While the former Soviet Union flew the first woman in space in 1963, it was another 20 years before the United States flew Dr. Sally Ride as the first American woman in space in 1983.

Mr. Speaker, I seek support for H. Res. 421 to honor the Mercury 13 women pioneers and to encourage young women to follow in the footsteps of the Mercury 13 women in pursuing careers of excellence in aviation and astronautics as well as in engineering and science.

Times do change. I spent a chunk of my time last week at home during recess handing out space camp scholarships. At every stop, it wasn't clear whether the winner was going to be a boy or a girl; and the enthusiasm for space seemed to be relatively equal between the boys and the girls in the classes where we made such awards.

□ 1110

In an aside, I would like to welcome China as a new nation among spacefaring nations. There is an old Chinese saying, as there always is, that women hold up half the sky, and this recognition that American women have been participating in space long before 1983 is very, very appropriate at this point in time.

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

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

Mr. Speaker, I want to thank my friend from Oregon for his resolution. I want to rise today in support of House Resolution 421, which honors the accomplishments of the so-called Mercury 13 women whose efforts in the early 1960s demonstrated the capabilities of American women to undertake human space exploration.

At a time when there were many prejudices against women, the Lovelace Clinic in Albuquerque, New Mexico, began testing female pilots to undertake human exploration of space under the same rigorous, physical and psychological standards as NASA's male astronauts.

In 1960, the first of the Mercury 13, Geraldyn ''Jerrie'' Cobb went to Lovelace Clinic, and by the end of 1961, 13 women had successfully completed this rigorous training. Following their testing program, the 13 women were prepared to continue their contributions to America's space program at the Naval School of Aviation Medicine in Pensacola, Florida and undergo advanced aeromedical examinations using jet aircraft and military equipment, but their program was canceled.

The careers and accomplishments of these great American women served as an inspiration for many other young women that followed in their careers in aviation, astronautics, science and engineering.

This resolution recognizes the accomplishments of Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora, Stumbough Jessen, Irene Leverton, Sarah Lee, Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

Mr. Speaker, I urge my colleagues to support House Resolution 421 and again thank the gentleman from Oregon.

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

Mr. WU. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin, Dr. KAGEN, and thank him for his leadership in bringing this legislation to the floor.

Mr. KAGEN. Mr. Speaker, I thank my colleagues from Oregon and Florida. I appreciate their support on this important resolution.

I rise today in support of House Resolution 421, to honor the first American women to participate in the United States space program. Known as the Mercury 13, they were extremely accomplished pilots and aviators and were selected from a pool of women to become astronauts. Conducted in secret at the Lovelace Clinic in Albuquerque, New Mexico, they excelled in the same physical and psychological tests as the male candidates for astronautic school did, the Mercury 7.

Although many of these women outshined and outperformed their male counterparts, they were never allowed to fly into space. The prejudice of the day grounded their mission before they could reach the stars, but it did not ground their dreams.

In 1961, just before their final phase of training at the Naval Aviation Center in Pensacola, Florida, the Mercury 13 women received notice that the program had been canceled. Twenty-two years later, NASA sent our first American woman into space, Sally Ride.

In these past decades, the groundbreaking achievements of the Mercury 13 women have often been overlooked. Author Martha Ackmann wrote this about the Mercury 13 and their quest for flying into space:

''While the Mercury 13 did not get their shot at space—at least not yet—

they refused to let someone else trim their dreams. They fought for what they wanted, what they believed in, and spoke out against discrimination.''

The Mercury 13 women, as already stated, were Jerrie Cobb, Gene Nora Jessen, Wally Funk, Irene Leverton, Myrtle ''K'' Cagle, Jane Hart, Jerri Truhill, Rhea Hurrle Woltman, Sarah Ratley, Bernice ''B'' Steadman, Jean Hixson, Jan Dietrich, and Marion Dietrich.

I had the honor of meeting several of these very tough and spirited women at the University of Wisconsin in Oshkosh in a commencement ceremony, and I was privileged and honored to present to the Mercury 13 women an honorary degree, an honorary doctorate. Today, I have the extreme privilege to honor these phenomenal and extraordinary women on the floor of the United States House of Representatives.

I urge my colleagues to support this resolution and their pioneering spirit that has advanced the rights of women everywhere. As these Mercury 13 women have demonstrated, the sky is not the limit.

Mr. FEENEY. Mr. Speaker, I would like to inform my friend from Oregon that I have no further speakers and am prepared to reserve my time until it is appropriate to close.

Mr. WU. There are no further speakers on this side, either, if the gentleman would care to close.

Mr. FEENEY. Mr. Speaker, again I want to thank my colleagues for their support for the great history of the Mercury 13. I should say since that Mercury 13 program, there have been 34 women that have flown aboard the space shuttle, including four who made the ultimate sacrifice in the *Challenger* and *Columbia* accidents.

In order to honor such dedication after the *Columbia* accident, America committed to a vision for space exploration that will return Americans to the Moon. Undoubtedly, several women will make that journey. I look forward to that moment when the first American woman steps on the Moon and shares her experience with the rest of the world.

This resolution by the gentleman from Oregon and others recognizes the first 13 women that helped propel an entire gender and an entire nation into space.

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

Mr. WU. I thank the gentleman from Florida.

Mr. Speaker, again, I would like to recognize the good work of my colleague from Wisconsin, Dr. KAGEN, for bringing this legislation to the floor. It is timely and it is timely recognition of a space program that includes everyone from America and now, because of the international space station and international space efforts, includes many people from around the world.

Mr. KIND. Mr. Speaker, I rise today to offer strong support for House Resolution 421, honoring the extraordinary accomplishments and courageous journey of the Mercury 13 women. Though largely unrecognized in history, these 13 female pilots displayed determination, bravery and strength in their quest for space exploration.

Selected from a large group of women, the Mercury 13 pilots endured and passed the same grueling physical and psychological tests as the Mercury 7 male astronauts. These women however, were tested not only on their ability to withstand the toils of space exploration but also on their capacity to overcome extensive discrimination in both their careers and personal lives. When championing their cause, the women were repeatedly told by government officials that any effort to put a woman in space was a waste of time and money. Given this lack of U.S. support, Valentina Tereshkova, a Russian engineer, became the first woman in space on June 16, 1963. It would be many years later, in 1983, that Dr. Sally Ride would become the first American woman in space.

Although the women of Mercury 13 were barred from space travel, disappointment did not lessen their pioneering spirit and quest for equality. We must follow their lead. Given our country's shortcomings in 1963, it is our responsibility today to ensure that future generations of women are granted equal opportunities to follow their dreams.

These courageous women demonstrate that the sky is not the limit and that as a Nation we must ensure that all individuals, regardless of gender, race or ethnicity, are encouraged to venture into the fields of math, science, technology and engineering. I believe we must instill the spirit of the Mercury 13 into our children today, by supporting innovative programs such as the National Science Foundation that promote technology in the classroom. By creating an environment in this country that fosters innovation and growth, we will ensure our businesses and workforce can stay competitive in the global economy of the 21st century. From new education technology and better math and science teachers to train the next generation of innovators, to the promotion of new sources of energy and the expansion of markets for our products, this comprehensive agenda will create a strong foundation to build the economy of the future.

Mr. Speaker, I urge my colleagues to capitalize on this opportunity to extend an honor to the women of Mercury 13 and to ensure we never again allow gender inequality to restrict our citizens' ambition and potential.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in support of H. Res. 421.

This resolution recognizes the brave ''Mercury 13'' women who in the early 1960s undertook the human exploration of space.

The members of the ''Mercury 13'' include Myrtle Cagle, Geraldyn ''Jerrie'' Cobb, Jan Dietrich, Marion Dietrich, Mary Wallace ''Wally'' Funk, Jane Briggs Hart, Jean Hixson, Gene Nora Stumbough Jessen, Irene Leverton, Sarah Lee Gorelick Ratley, Bernice Trimble Steadman, Geraldine ''Jerri'' Sloan Truhill, and Rhea Hurrle Allison Woltman.

The ''Mercury 13'' women successfully passed the same physical and psychological tests as those of their male counterparts, the ''Mercury 7.''

Just before leaving for the next phase of training at the Naval Aviation Center in Pensacola, Florida, they were told not to come.

In 1961, their efforts marked a milestone in American history and these women paved the way for those who would follow in their footsteps.

The Johnson Space Center in Houston, Texas has been the leading NASA center for more than 40 years and continues to encourage women to participate in the area of space exploration.

H. Res. 421 is an important way to help young women understand the importance of space and science.

As of today, there have been 34 women in space, and although this is a great accomplishment, there should be more.

It is my hope that this resolution encourages girls to pursue what they may feel is impossible.

The ''Mercury 13'' continue to inspire women of all ages to go above and beyond, so that they can fulfill their dreams. The sacrifices of these women deserve to be honored.

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today in support of H. Res. 421, a resolution to honor the achievements of women in space exploration.

In the 1960s, a courageous group of women challenged themselves, and the stereotypes of our Nation, to become the First Lady Astronaut Trainees.

These women were all accomplished pilots with a dream to explore the unknown.

Thirteen of these women—''the Mercury 13''—were chosen to be part of America's space team, breaking boundaries with their passion and determination.

Though the program was discontinued before these women could actually fly in space, they paved the way for future female astronauts through their hard work and relentless efforts.

Finally, NASA got the message and began recruiting women again, starting with the class of 1978 astronauts and culminating in the first American woman in space in 1983.

Without the efforts of the Mercury 13, women with skills and interest in science and exploration would have had a much tougher time breaking through gender barriers.

The Mercury 13 women saw roadblocks as challenges to overcome.

I hope that all of the young women in my district and across America may be inspired to make change by their example.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. WU. 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 Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 421.

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.

HONORING ASTRONAUT WALTER MARTY SCHIRRA AND EXPRESSING CONDOLENCES ON HIS PASSING

Mr. WU. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 446) honoring the life and

accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 446

Whereas Walter Schirra was born on March 12, 1923, in Hackensack, New Jersey;

Whereas as an exchange pilot with the 154th Fighter Bomber Squadron during the Korean War, he flew 90 combat missions in F–84E jets and was credited with downing at least one MIG fighter;

Whereas on October 3, 1962, Walter Schirra became the fifth person to fly in space when he piloted Mercury 8 (Sigma 7) on a six-orbit mission lasting 9 hours, 13 minutes and 11 seconds;

Whereas on December 15, 1965, Walter Schirra piloted Gemini 6A in what was the first attempted rendezvous by two manned spacecraft in earth orbit;

Whereas on October 11, 1968, he concluded his third and final mission when he was launched as commander of Apollo 7, the first manned Apollo mission, making Commander Schirra the only astronaut to fly aboard Mercury, Gemini and Apollo spacecrafts;

Whereas Commander Schirra was the recipient of many distinguished awards, including three distinguished flying crosses, two air medals, two NASA Distinguished Services Medals and induction into the National Aviation Hall of Fame;

Whereas after he retired to San Diego in 1984, Wally dedicated much of his later years to working with children on connecting them to the amazing possibilities that a career on space exploration could provide, and as a tireless advocate for discovery, Wally was an inspirational figure for countless San Diegans; and

Whereas Commander Schirra was an exemplary resident of the State of California where he resided in La Jolla until the time of his death on May 2, 2007: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life and accomplishments of Astronaut Walter Marty Schirra and expresses condolences on his passing; and

(2) recognizes the profound importance of Astronaut Schirra's record as a pioneer in space exploration and long-time contributor to NASA's mission as a catalyst to space exploration and scientific advancement in the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Florida (Mr. FEENEY) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on H. Res. 446, the resolution now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today to honor the life and accomplishments of one of our heroes of the American space program, astronaut Walter Schirra, known as Wally Schirra. In his 84 years, spanning 1923 to 2007, Captain Schirra took great risks on behalf of his country, including while serving in the Pacific during World War II.

□ 1120

During the Korean War, Captain Schirra served our country as an exchange pilot with the 154th Fighter Bomber Squadron and flew 90 combat missions and downed at least one MIG fighter.

In April of 1959, Wally Schirra was selected by NASA as one of the original Mercury 7 astronauts. On October 3, 1962, he became the third American to orbit the Earth when he piloted his Sigma 7 spacecraft on a six-orbit mission that lasted 9 hours 13 minutes and 11 seconds.

As a brand new American who had just been in this country for a year and about 8 years old, I remember that, and I just remember that as one of the signal moments that I indeed had come to a country where anything and everything was possible, and Wally Schirra and others of the Mercury 7 group demonstrated that to America and to the world.

Wally Schirra went on to pilot the Gemini 6A mission in 1965, which involved the first attempted rendezvous by two manned spacecraft in Earth orbit, and he made his third and final mission in October, 1968, as commander of the first manned Apollo mission, Apollo 7.

During his career as an astronaut, Wally Schirra was the only astronaut to fly aboard all three generations of our late sixties-early seventies spacecraft, the Mercury, the Gemini and Apollo spacecraft. His outstanding service to the U.S. space program is marked by several awards, including the Distinguished Flying Cross, Air Force Medal, NASA Distinguished Service Medal, and induction into the National Aviation Hall of Fame.

Wally Schirra was a tireless advocate for discovery and spent his later years helping to connect children with the amazing possibilities that a career in space exploration can offer.

Mr. Speaker, today, I seek the support of this Chamber to honor the life and accomplishments of astronaut Wally Schirra, to express condolences on his passing, and to recognize the profound importance of astronaut Schirra's record as a space pioneer and a long-time contributor to NASA's mission of space exploration, scientific advancement and education in the United States.

Mr. Speaker, it is only fitting that this Chamber honor Wally Schirra's achievements, and I urge my colleagues to support this resolution.

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

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

Mr. Speaker, I again want to thank Mr. WU, my friend from Oregon, for this resolution and want to speak in favor of H. Res. 446, which honors the life and accomplishments of an extraordinary man, astronaut Walter Marty Schirra. Wally Schirra, as he was known to nearly everyone, was truly a great American and a terrific human being.

Wally Schirra was born in Hackensack, New Jersey, on March 12, 1923, and was perhaps best known as an accomplished NASA astronaut and human spaceflight pioneer, with the distinction of being the only astronaut to fly aboard the Mercury, Gemini and Apollo spacecrafts. He was named one of NASA's original Mercury 7 astronauts in April of 1959 and became the fifth American to fly into space. Then, as the commander of the Gemini 6A spacecraft, he completed a dramatic rendezvous in space with the Gemini 7 spacecraft.

Schirra then served as commander of the Apollo 7 mission, which was the first Apollo flight after the catastrophic 1967 launch pad fire that killed the original Apollo 1 crew. At the conclusion of the Apollo 7 mission, Schirra had logged 295 hours and 15 minutes in space.

Before his service with NASA, Wally Schirra had already served his country with honor as a pilot in the 154th Fighter Bomber Squadron during the Korean War. Schirra flew over 90 combat missions in F–84E jets and was credited with downing at least one enemy MIG fighter.

What is perhaps less well-known about Wally Schirra is his personal warmth, his contagious sense of humor and his tireless dedication as an advocate for discovery. After his retirement in 1984, he spent many years working to inspire children to pursue their dreams by connecting them to the amazing possibilities of space exploration.

Schirra captured the pride of our entire Nation when he wrote, ''We shared a common dream to test the limits of man's imagination and daring. Those early pioneering flights of Mercury, the performances of Gemini and the trips to the moon established us, once and for, all as what I like to call a spacefaring nation. Like England, Spain and Portugal crossing the seas in search of their nations' greatness, so we reached for the skies and emboldened our Nation.''

I am deeply saddened by Wally Schirra's passing on May 2, 2007. He was truly an American hero. I am proud to support this resolution honoring such a prominent American citizen, military veteran and astronaut.

Mr. Speaker, I urge my colleagues to support H. Res. 446.

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

Mr. FEENEY. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Speaker, I rise to, first of all, thank the chairman from Oregon and the ranking member for

supporting my bill, H. Res. 446, in recognition of the life of Wally Schirra. I would just have to say that when we go through the record of the life of Wally, he was a San Diegan for a long time; and we celebrated Wally as a neighbor and as a friend and as a national and international hero.

The fact is that he did serve extensively, like many San Diegans, in the military, with three Distinguished Flying Crosses, two Air Medals, more than a MIG or two on the side. He obviously went into the space race with a lot of accomplishments.

Being the only individual to fly in all three of the first stages of manned space flight for America was unique, but I think, as was pointed out before, Wally is a man that filled in so often when others might have hesitated.

After the terrible disaster of losing astronauts in a major fire, he did not hesitate to look forward to being the first to step back into those capsules and move on and move up with our space race. That kind of bravery we didn't really take into consideration at the time. What a huge challenge it must have been to explain to your wife, ''Honey, I am going to get in this capsule. Somebody has to do it, and I will be the one.'' We don't think about that family, that personal aspect of being a hero and moving forward with those kinds of accomplishments.

I also would like to say that we forget that, without the docking procedure that Wally was able to master, there was not going to be any trip to the moon. It was an essential component, as important as any missile, any rocket, any control system. The ability for man to dock with another spaceship was an essential part, and Wally was a major part of that.

But I want to thank all my colleagues for supporting this bill. Wally was our neighbor, he was our friend, and he really did live a life that San Diegans are proud of in public service. He spent his later years working with the local museums for flight history, and he also spent a lot of time on his sailboat in San Diego.

But I want to thank all of you, because Wally was not just a hero to the world and to America; he was a neighbor and a friend to those of us in San Diego.

Mr. WU. Mr. Speaker, I continue to reserve my time.

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

Mr. Speaker, again, this is a terrific resolution. Mr. BILBRAY is rightfully proud to call Wally Schirra a neighbor and a friend. I think America can call him a neighbor and a friend as well.

I expect to be proudly this Friday evening down at Cape Canaveral where we will hopefully send the next shuttle flight into space with some good luck and good fortune. And as I am down there I will join many Americans in thinking about Wally Schirra and the other great heroes that have come forward and made these great feats today possible and the many more opportunities in space that would not have happened without heroes like Wally Schirra.

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

Mr. WU. Mr. Speaker, I rise to honor the life and accomplishments of Astronaut Walter Marty Schirra, one of our heroes of the American space program.

In his 84 years of life spanning from 1923–2007, Captain Schirra took great risks on behalf of his country.

During the Korean War, Captain Schirra served the country as an exchange pilot with the 154th Fighter Bomber Squadron and flew 90 combat missions and downed at least one MIG fighter.

In April of 1959, ''Wally'' Schirra was selected by NASA as one of the original Mercury 7 astronauts.

On October 3, 1962, he became the third American to orbit the Earth when he piloted his Sigma 7 spacecraft on a six-orbit mission that lasted 9 hours, 13 minutes, and 11 seconds.

He went on to pilot the Gemini 6A mission in 1965, which involved the first attempted rendezvous by two manned spacecraft in Earth orbit, and he made his third and final mission in October 1968 as commander of the first manned Apollo mission, Apollo 7.

During his career as an astronaut, Wally Schirra was the only astronaut to fly aboard the Mercury, Gemini, and Apollo spacecrafts, and his outstanding service to the U.S. space program is marked by several awards, including Distinguished Flying Crosses, Air Medals, NASA Distinguished Service Medals, and induction into the National Aviation Hall of Fame.

Wally Schirra was a tireless advocate for discovery and spent the later years of his life helping to connect children with the amazing possibilities that a career in space exploration can offer.

Mr. Speaker, today I seek support to: honor the life and accomplishments of astronaut Walter ''Wally'' Schirra; to express condolences on his passing; and to recognize the profound importance of Astronaut Schirra's record as a space pioneer and a long-time contributor to NASA's mission as a catalyst to space exploration and scientific advancement in the United States.

Mr. Speaker, it is only fitting that this House honor Wally Schirra's achievements, and I urge my colleagues to support this resolution.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H. Res. 446, honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing.

Astronaut Walter Marty Schirra was a member of the Mercury 7, who were named by NASA in April of 1959.

He piloted the six orbit *Sigma 7* Mercury flight, the *Gemini 6* flight and was Command Pilot on the *Apollo VII.*

Walter Schirra became the first man to fly in space three times after being pilot of the *Apollo VII.* Schirra received numerous awards and honors while being a member of NASA. Schirra logged more than 295 hours in space.

After he left NASA in 1969, he worked as a television commentator during the Apollo moon landings, was an engineering consultant and worked on corporate boards.

Not only was Walter Schirra an astronaut, but he was an advocate for students who want to pursue careers in science and engineering.

He helped to found the Mercury Seven Foundation, which creates college scholarships for engineering and science students.

The passing of Walter Schirra has been a huge loss to the space community and America as a whole.

His contributions will never be forgotten, and he leaves a strong legacy of bravery and service. I urge support of this resolution.

Mr. UDALL of Colorado. Mr. Speaker, today I rise to recognize the life of one of our great space pioneers, Walter M. ''Wally'' Schirra and to speak in support of H. Res. 446, a resolution to recognize his many accomplishments and honor his memory.

Wally 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.

He was known for being an exact and precise pilot, and this aviation excellence speaks for itself as Capt. Schirra flew 90 combat missions while serving in the Navy during the Korean War. Later, during his Gemini 6 mission as a NASA astronaut, Schirra conducted the first rendezvous of manned spacecraft in orbit, considered one of the most challenging tasks in space flight at the time.

Capt. Schirra was a great astronaut and a great American. What many of my colleagues may not realize is that Wally Schirra became an active businessman and citizen in Colorado after retiring from the space program.

In the decade after he retired from NASA's Astronaut Corps, he moved to Denver where he lived a life as a successful businessman and an active environmentalist. When he first came to Colorado, he became the president of an investment company. Several years after that, he started an environmental management firm that concentrated their efforts towards developing solutions for environmental problems faced by the government and private industry.

In addition to being an advisor to Colorado State University, Capt. Schirra was also an avid outdoors man, as evidenced by his tenure as a trustee of the Colorado Outward Bound School.

Later in his life, while he continued to be busy in civic life, he played an active role in Colorado politics and served as Colorado's honorary chairman for Ronald Reagan's presidential campaign.

I and my fellow Coloradans will miss him, and I urge my colleagues to honor his memory by passing H. Res. 446.

□ 1130

Mr. WU. Mr. Speaker, I urge adoption 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 Oregon (Mr. WU) that the House suspend the rules and agree to the resolution, H. Res. 446.

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.

PERMISSION TO RE-REFER EXECUTIVE COMMUNICATION 1370 TO COMMITTEE ON SCIENCE AND TECHNOLOGY

Mr. WU. Mr. Speaker, I ask unanimous consent that Executive Communication 1370, the Department of Transportation's final rule, Human Space Flight Requirements for Crew and Space Flight Participants, be re-referred to the Committee on Science and Technology.

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

There was no objection.

10,000 TRAINED BY 2010 ACT

Mr. WU. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1467) to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1467

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 ''10,000 Trained by 2010 Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the National Science Foundation has long been a government leader in strengthening our Nation's information infrastructure;

(2) as automation and digitization reach the healthcare industry, that industry will need to draw heavily on the expertise of researchers funded by the National Science Foundation for the collection, processing, and utilization of information;

(3) the National Science Foundation's basic research, demonstrations, and curriculum development assistance are all required to help make sure the industry has the knowledge, procedures, and workforce necessary to take full advantage of advanced communications and information technology;

(4) the Bureau of Labor Statistics estimated that 136,000 Americans were employed in 2000 as information management professionals in the healthcare industry alone, with projected growth of 49 percent by 2010; and

(5) no systematic plan exists for designing and implementing systems and information tools and for ensuring that the healthcare workforce can make the transition to the information age.

SEC. 3. DEFINITIONS.

In this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) INFORMATION.—The term ''information'' means healthcare information.

(3) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH.

(a) GRANTS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall award grants for basic research on innovative approaches to improve information systems. Research areas may include—

(A) information studies;

(B) population informatics;

(C) translational informatics; and

(D) data security, integrity, and confidentiality.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed, competitive basis.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $3,500,000 for fiscal year 2008;

(B) $3,600,000 for fiscal year 2009;

(C) $3,700,000 for fiscal year 2010; and

(D) $3,800,000 for fiscal year 2011.

(b) INFORMATICS RESEARCH CENTERS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (or consortia thereof) to establish multidisciplinary Centers for Informatics Research. Institutions of higher education (or consortia thereof) receiving such grants may partner with one or more government laboratories, for-profit institutions, or non-profit institutions.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) PURPOSE.—The purpose of the Centers shall be to generate innovative approaches in information by conducting cutting-edge, multidisciplinary research, including in the research areas described in subsection (a)(1).

(4) APPLICATIONS.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the research projects that will be undertaken by the Center and the contributions of each of the participating entities;

(B) how the Center will promote active collaboration among professionals from different disciplines, such as information technology specialists, health professionals, administrators, and social science researchers; and

(C) how the Center will contribute to increasing the number of information researchers and other professionals.

(5) CRITERIA.—In evaluating the applications submitted under paragraph (4), the Director shall consider, at a minimum—

(A) the ability of the applicant to generate innovative approaches to information and effectively carry out the research program;

(B) the experience of the applicant in conducting research in the information field, and the capacity of the applicant to foster new multidisciplinary collaborations;

(C) the capacity of the applicant to attract and provide adequate support for undergraduate and graduate students to pursue information research; and

(D) the extent to which the applicant will partner with government laboratories or for-profit or non-profit entities, and the role the government laboratories or for-profit or non-profit entities will play in the research undertaken by the Center.

(6) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

(A) $4,500,000 for fiscal year 2008;

(B) $4,600,000 for fiscal year 2009;

(C) $4,700,000 for fiscal year 2010; and

(D) $4,800,000 for fiscal year 2011.

SEC. 5. NATIONAL SCIENCE FOUNDATION INFORMATION PROGRAMS.

(a) CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall establish a program to award grants to institutions of higher education (or consortia thereof) to establish or improve undergraduate and master's degree information programs, to increase the number of students who pursue undergraduate or master's degrees in information fields, to provide students with experience in government or industry related to their information studies, and, to the extent practicable, to do so using distance learning.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this subsection on a merit-reviewed, competitive basis.

(3) USE OF FUNDS.—Grants awarded under this subsection shall be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality information education, including certification and undergraduate and master's degree programs, and to recruit and retain increased numbers of students to such programs. Activities may include—

(A) developing and revising curriculum to better prepare undergraduate and master's degree students for careers in the information field;

(B) establishing degree and certificate programs in the information field;

(C) creating opportunities in information research for undergraduate students;

(D) acquiring equipment necessary for student instruction in these programs, including the installation of testbed networks for student use;

(E) providing opportunities for faculty to work with State, local, or Federal Government agencies, private industry, and other academic institutions to develop new expertise or to formulate new information research directions;

(F) establishing collaborations with other academic institutions or departments that seek to establish, expand, or enhance these programs;

(G) establishing student internships for students in these programs at State, local, and Federal Government agencies or in private industry;

(H) establishing or enhancing bridge programs in information fields between community colleges and universities; and

(I) any other activities the Director, in consultation with the heads of other Federal agencies as appropriate, determines will achieve the purposes described in paragraph (1).

(4) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education (or a consortium thereof) seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and with such contents as the Director may require. The application shall include, at a minimum—

(i) a description of the applicant's relevant research and instructional capacity, and in the case of an application from a consortium of institutions of higher education, a description of the role that each member will play in implementing the proposal;

(ii) a comprehensive plan by which the institution or consortium will build instructional capacity in information fields;

(iii) a description of relevant collaborations with State, local, or Federal Government agencies or private industry that inform the instructional program;

(iv) a survey of the applicant's historic student enrollment and placement data and a study of potential enrollment and placement for students enrolled in the proposed program; and

(v) a plan to evaluate the success of the proposed program, including postgraduate assessment of graduate school and job placement and retention rates as well as the relevance of the instructional program to graduate study and to the workplace.

(B) AWARDS.—The Director shall ensure, to the extent practicable, that grants are awarded under this subsection in a wide range of geographic areas and categories of institutions of higher education.

(5) ASSESSMENT REQUIRED.—The Director, in consultation with the heads of other Federal agencies as appropriate, shall evaluate the program established under this subsection no later than 3 years after the establishment of the program. At a minimum, the Director shall evaluate the extent to which the grants have achieved their objectives of increasing the quality and quantity of students pursuing undergraduate or master's degrees in information fields. The Director shall make this assessment publicly available.

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $9,000,000 for fiscal year 2008;

(B) $9,200,000 for fiscal year 2009;

(C) $9,400,000 for fiscal year 2010; and

(D) $9,600,000 for fiscal year 2011.

(b) SCIENTIFIC AND ADVANCED TECHNOLOGY ACT OF 1992.—

(1) GRANTS.—The Director shall provide grants under the Scientific and Advanced Technology Act of 1992 for the purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to information.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $7,000,000 for fiscal year 2008;

(B) $7,200,000 for fiscal year 2009;

(C) $7,400,000 for fiscal year 2010; and

(D) $7,600,000 for fiscal year 2011.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WU) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WU. 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 H.R. 1467, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I and other Members of the Science and Technology Committee have been working on the issue of health care IT for several years. The genesis of this legislation, H.R. 1467, was a roundtable I held in Oregon in August 2005. This roundtable was followed by an Environment, Standards and Technology Subcommittee field hearing on health care information technology in February of 2006. Representative REICHERT of Washington chaired the hearing, and our current ranking member, Mr. HALL, also had staff in attendance.

One of the common issues raised at both of these events was the lack of trained people who are experts in both health care and in information technology. Despite the Federal focus on developing a national electronic health care record system, there is no systematic plan for the training of current and prospective professionals in both health care and IT. Without this specialized training, the technology can sit on health care provider's desks as a box, cold and unused rather than as an integrated system of health care doing what it should do.

The need for individuals to manage health care IT is expected to grow 49 percent between 2000 and 2010, and nearly 75 percent of health care organizations indicate there are not enough qualified applicants for these positions.

I would like to point out that the Science and Technology Committee has a history of developing specific and specialized training and research programs for IT professionals.

During the 107th Congress, the committee became concerned that the lack of specialized computerized training for IT students and professionals was a contributing factor in the lack of decent computer security practices and software. As a result, the committee developed and moved H.R. 3394, the CyberSecurity Research and Development Act which subsequently became Public Law 107–305.

The bill under consideration today, H.R. 1467, consists of four components. It authorizes the National Science Foundation, NSF, to award research grants for innovative approaches enhancing health care informatics. I want to make clear that this provision builds upon existing NSF activities.

It authorizes NSF to support multidisciplinary health and medical informatics research centers to perform research and to train qualified health care informatics personnel and professionals.

Next, it authorizes NSF to establish a grant program to improve undergraduate, master's and certificate programs in health care informatics. The goal is to increase the number of students and the quality of training in their field. This program allows both 4-year and 2-year institutions to participate as well as allowing for the development of continuing education curricula.

Finally, it authorizes NSF's Advanced Technology Education Program which focuses solely on 2-year colleges to support improved education and technical training for health care informatics.

H.R. 1467 is a bipartisan product of the Science and Technology Committee. Ranking Member HALL and I introduced this bill in the last Congress. In this Congress, we introduced this legislation, along with Chairman GORDON and Ranking Member GINGREY of the Technology and Innovation Subcommittee.

I have spoken to Dr. GINGREY about health care IT, and he knows from his firsthand experience the challenges involved in integrating IT into health care settings.

We all recognize the benefits that an integrated health IT network could provide in terms of improved patient care, safety, privacy and potentially cost savings. However, investment in physical infrastructure and technology alone is not enough. We need research and training programs for health care and IT professionals in order to use and design the system well.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 1467, the 10,000 Trained by 2010 Act, and the primary goal it seeks to achieve. If implemented correctly and efficiently, health information technology, which we call IT, can revolutionize our health care system.

However, we have to have an educated workforce properly trained in health IT in order for it to be successful. This is what H.R. 1467 is all about. NSF is already doing incredible work in the IT area, but this measure focuses specifically on health IT by providing grants on new innovative approaches for health care hardware and software solutions.

Creating health medical informatics research centers and making improvements to undergraduate and master's degree programs for health care informatics, it also expands the Advanced Technology Education Program to include health IT.

The activities supported by H.R. 1467 are important if we are to have a sufficiently trained health IT workforce, and I encourage my colleagues to adopt this bill.

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

Mr. WU. Mr. Speaker, I thank the gentleman from Texas for working with me, and his staff for working with our staff over a period of 3 years on this legislation.

I inquire of the gentleman whether he has any additional speakers.

Mr. HALL of Texas. We have no further speakers, and I yield back the balance of my time.

Mr. WU. Mr. Speaker, I thank the staff on both sides of the aisle on the Science Committee for working hard through two Congresses to bring this legislation to the floor, and I encourage all of my colleagues to vote for adoption of this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1467, the 10,000 Trained by 2010 Act.

The bill requires the National Science Foundation to award competitive grants for research to improve health care information systems.

As our health care information moves from paper to computer-based storage methods, it becomes increasingly important to develop systematic methods for organizing and sharing biomedical information.

Digital medical records must be transferable, and above all, patient confidentiality must be ensured.

H.R. 1467 would fund scientific and engineering activities to improve education in the health care information fields. The funding would be used to develop innovative approaches in health care information; and help students earn advanced degrees in these fields.

Mr. Speaker, this bill would promote technologies that will save us taxpayer dollars over the long term. I urge my colleagues to support H.R. 1467.

Mr. WU. 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 Oregon (Mr. WU) that the House suspend the rules and pass the bill, H.R. 1467.

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.

□ 1140

GREEN ENERGY EDUCATION ACT OF 2007

Mr. LIPINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1716) to authorize higher education curriculum development and graduate training in advanced energy and green building technologies, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1716

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 ''Green Energy Education Act of 2007''.

SEC. 2. DEFINITION.

For the purposes of this Act:

(1) DIRECTOR.—The term ''Director'' means the Director of the National Science Foundation.

(2) HIGH PERFORMANCE BUILDING.—The term ''high performance building'' has the meaning given that term in section 914(a) of the Energy Policy Act of 2005 (42 U.S.C. 16194(a)).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. GRADUATE TRAINING IN ENERGY RESEARCH AND DEVELOPMENT.

(a) FUNDING.—In carrying out research, development, demonstration, and commercial application activities authorized for the Department of Energy, the Secretary may contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program to support projects that enable graduate education related to such activities.

(b) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

SEC. 4. CURRICULUM DEVELOPMENT FOR HIGH PERFORMANCE BUILDING DESIGN.

(a) FUNDING.—In carrying out advanced energy technology research, development, demonstration, and commercial application activities authorized for the Department of Energy related to high performance buildings, the Secretary may contribute funds to curriculum development activities at the National Science Foundation for the purpose of improving undergraduate or graduate interdisciplinary engineering and architecture education related to the design and construction of high performance buildings, including development of curricula, of laboratory activities, of training practicums, or of design projects. A primary goal of curriculum development activities supported under this section shall be to improve the ability of engineers, architects, landscape architects, and planners to work together on the incorporation of advanced energy technologies during the design and construction of high performance buildings.

(b) CONSULTATION.—The Director shall consult with the Secretary when preparing solicitations and awarding grants for projects described in subsection (a).

(c) PRIORITY.—In awarding grants with respect to which the Secretary has contributed funds under this section, the Director shall give priority to applications from departments, programs, or centers of a school of engineering that are partnered with schools, departments, or programs of design, architecture, and city, regional, or urban planning.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from Texas (Mr. MCCAUL) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. 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 H.R. 1716, the bill now under consideration.

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

There was no objection.

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

Today, I rise in support of H.R. 1716, the Green Energy Education Act of 2007. I'd like to thank Mr. MCCAUL and Mr. HILL for their leadership on this important legislation.

This bill authorizes the Department of Energy to contribute funds to the National Science Foundation's successful Integrative Graduate Education and Research Traineeship program, known as IGERT. IGERT awards prepare doctoral students by integrating research and education in innovative ways that are tailored to the unique requirement of newly emerging interdisciplinary fields and new career options.

Many future green energy technologies, such as thin film solar technologies, will require interdisciplinary teams of scientists and engineers such as those trained under the IGERT program.

This bill also authorizes the Department of Energy's high-performance-building technology programs to contribute to the National Science Foundation's ongoing curriculum development activities with the goal of improving the ability of engineers and architects to design and construct high-performance buildings.

Innovative technologies, coupled with a whole-buildings approach that optimizes interactions among building systems and components, enable buildings to use considerably less energy, while also helping to meet national goals for sustainable development, environmental protection and energy security.

The high-performance, or green, building movement is growing rapidly, but it is still a very small slice of the multibillion dollar building industry; and there's a real gap in university level education and training for the next generation of green building professionals. This bill helps address that gap.

In summary, this bill addresses a critical need to provide resources to universities to update their curricula and research efforts in alternative energy and high-performance buildings, and it improves coordination between the Department of Energy and the National Science Foundation in achieving this goal.

I'm pleased to support H.R. 1716, the Green Energy Education Act of 2007. Again, I want to commend Mr. MCCAUL and Mr. HILL for this important legislation; and I urge my colleagues to support H.R. 1716.

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

Mr. MCCAUL of Texas. Mr. Speaker, I yield myself as much time as I may consume.

I want to first thank Mr. LIPINSKI and my colleagues on both sides of the aisle for their strong support of this bill, which I introduced in the last Congress; and I'm pleased to see it get to the House floor in this Congress.

The National Academies' Rising Above the Gathering Storm report echoed the call of many in the academic and business community for greater need to recruit and develop scientific and engineering talent to work on solving problems of national need.

Like many Members of Congress, I'm concerned about America's dependence on foreign sources of energy. Our reliance on imported energy only serves to increase our vulnerability to both external events and the actions of regimes that are, in many cases, openly hostile to the interests of the United States. One of the ways we can reduce the need for energy imports is to use our energy more efficiently.

Buildings consume more energy than any other sector of the economy, including industry and transportation. According to the U.S. Department of Energy, American buildings consume 39 percent of our Nation's primary energy and 70 percent of electricity. However, energy efficient building practices are not being fully utilized, in

part because of a lack of awareness about energy efficient technologies and design practices among building professionals.

That is why I introduced the Green Energy Education Act. This legislation authorizes the Department of Energy to partner with the National Science Foundation to support graduate education and curriculum development to advance DOE's broad energy technology development mission. Working through NSF, DOE will help develop the next generation of engineers and architects to produce buildings incorporating the latest in energy efficient technologies.

In order to reduce the likelihood of duplicative and wasteful programs, this bill also allows the Department of Energy and the National Science Foundation to combine their efforts to find workable solutions to the issues surrounding building efficiency that then can be transferred to the marketplace.

Specifically, H.R. 1716 will authorize DOE's Office of Science and applied energy technology programs to contribute funds to the NSF's successful Integrative Graduate Education and Research Traineeship program, which is already doing great work in this area.

This bill also authorizes the DOE to contribute to NSF's curriculum development activities in order to improve the ability of engineers and architects to design and construct more efficient and durable buildings.

I urge my colleagues to support this important step towards increasing America's energy independence.

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

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

Mr. Speaker, this is another great effort that we are making, another important step in helping to reduce our energy consumption in this country. It's critical for national security, our economic security and to combat global climate change, and certainly energy efficient buildings, great work is being done in this, and much more work needs to be done.

I have seen at the Department of Energy lab the work that is being done on some of this. I think much more needs to be done. This bill will help to provide these opportunities for more students, more people to learn about what it takes to make our buildings more energy efficient.

Again, I commend Mr. McCAUL and Mr. HILL for this bill, and I urge my colleagues to pass this legislation.

Mr. HILL. Mr. Speaker, today the House will consider H.R. 1716, the Green Energy Education Act. As the lead Democratic sponsor of this bill, I am pleased that it has moved so quickly through committee. I believe its rapid movement onto the floor of the House for a vote is indicative of the bill's importance and timely subject matter.

H.R. 1716 promotes the design and construction of energy efficient buildings by authorizing the Department of Energy to partner with the National Science Foundation (NSF) in support of multidisciplinary graduate education and curriculum development activities that will enhance the DOE's broad energy technology development mission. By working with the NSF, DOE will help develop the next generation of engineers and architects to work effectively together to produce buildings and incorporating the latest in energy efficient technologies.

Buildings in the U.S. consume a disproportionate share of our energy and electricity. We must do something to make our buildings more energy efficient and friendly to the environment. In fact, buildings in the U.S. consume more energy than any other sector of the country, including industry and transportation. According to 2003 U.S. Department of Energy (DOE) statistics, U.S. buildings consume 39 percent of our nation's primary energy and 70 percent of electricity.

We need to do everything we can to address the harmful things we are doing to the environment. This bill is a step in that direction—making buildings more energy efficient and less stressful on our energy and electrical supplies. And, it will save businesses considerable sums of money in the long run.

I urge all of my colleagues to vote for this important bill and take a step forward in easing our dependence on foreign and harmful energy sources.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 1716, the Green Energy Education Act of 2007.

Mr. Speaker, "green energy" is defined as energy that is produced and used in ways that lessen air pollution and other environmental impacts.

An investment in green energy education will benefit our Nation in important ways. It is good for the environment, because it reduces environmental impacts of the production and delivery of energy.

Green energy also reduces harmful greenhouse emissions.

H.R. 1716 directs the Department of Energy to contribute funds to the National Science Foundation for the Integrative Graduate Education and Research Traineeship program. This program is important in supporting graduate education related to green energy projects.

The bill also supports energy technology research and development for high tech buildings and for educational activities to teach students how to improve building design that is not harmful to the environment.

Mr. Speaker, I support H.R. 1716 and urge my colleagues to support it also.

Mr. LIPINSKI. 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 Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1716, 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. McCAUL of Texas. 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.

□ 1150

H-PRIZE ACT OF 2007

Mr. LIPINSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 632) to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 632

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 ''H-Prize Act of 2007''.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADMINISTERING ENTITY.—The term ''administering entity'' means the entity with which the Secretary enters into an agreement under section 3(c).

(2) DEPARTMENT.—The term ''Department'' means the Department of Energy.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of Energy.

SEC. 3. PRIZE AUTHORITY.

(a) IN GENERAL.—The Secretary shall carry out a program to competitively award cash prizes in conformity with this Act to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

(b) ADVERTISING AND SOLICITATION OF COMPETITORS.—

(1) ADVERTISING.—The Secretary shall widely advertise prize competitions to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

(2) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

(c) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions, subject to the provisions of this Act. The duties of the administering entity under the agreement shall include—

(1) advertising prize competitions and their results;

(2) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this section;

(3) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions, based on goals provided by the Secretary;

(4) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded, subject to the final approval of the Secretary with respect to Federal funding;

(5) providing advice and consultation to the Secretary on the selection of judges in accordance with section 4(d), using criteria developed

in consultation with and subject to the final approval of the Secretary; and

(6) protecting against the entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this Act may be withheld from public disclosure.

(d) FUNDING SOURCES.—Prizes under this Act shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subsection (c)(2)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

(e) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subsection (b)(2) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subsection (b)(2) if—

(1) notice of the increase is provided in the same manner as the initial notice of the prize; and

(2) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

(f) SUNSET.—The authority to announce prize competitions under this Act shall terminate on September 30, 2018.

SEC. 4. PRIZE CATEGORIES.

(a) CATEGORIES.—The Secretary shall establish prizes for—

(1) advancements in technologies, components, or systems related to—

(A) hydrogen production;

(B) hydrogen storage;

(C) hydrogen distribution; and

(D) hydrogen utilization;

(2) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

(3) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

(b) AWARDS.—

(1) ADVANCEMENTS.—To the extent permitted under section 3(e), the prizes authorized under subsection (a)(1) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subparagraphs (A) through (D) of subsection (a)(1) since the submission deadline of the previous prize competition in the same category under subsection (a)(1) or the date of enactment of this Act, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for a prize competition under subsection (a)(1), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.

(2) PROTOTYPES.—To the extent permitted under section 3(e), prizes authorized under subsection (a)(2) shall be awarded biennially in alternate years from the prizes authorized under subsection (a)(1). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subsection (c) for a competition under this paragraph, the Secretary shall not award a prize.

(3) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under section 3(e), the Secretary shall announce one prize competition authorized under subsection (a)(3) as soon after the date of enactment of this Act as is practicable. A prize offered under this paragraph shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by section 3(b)(2). The Secretary shall award a prize under this paragraph only when a registered participant has met the objective criteria established for the prize pursuant to subsection (c) and announced pursuant to section 3(b)(2). Not more than $10,000,000 in Federal funds may be used for the prize award under this paragraph. The administering entity shall seek to raise $40,000,000 toward the matching award under this paragraph.

(c) CRITERIA.—In establishing the criteria required by this Act, the Secretary—

(1) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

(2) shall consult with other Federal agencies, including the National Science Foundation; and

(3) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

(d) JUDGES.—For each prize competition, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subsection (c). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

(1) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

(2) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

SEC. 5. ELIGIBILITY.

To be eligible to win a prize under this Act, an individual or entity—

(1) shall have complied with all the requirements in accordance with the Federal Register notice required under section 3(b)(2);

(2) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

(3) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

SEC. 6. INTELLECTUAL PROPERTY.

The Federal Government shall not, by virtue of offering or awarding a prize under this Act, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this Act. This section shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this Act.

SEC. 7. LIABILITY.

(a) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this Act. The Secretary shall give notice of any waiver required under this subsection in the notice required by section 3(b)(2). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

(b) LIABILITY INSURANCE.—

(1) REQUIREMENTS.—Registered participants shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

(A) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this Act; and

(B) the Federal Government for damage or loss to Government property resulting from such an activity.

(2) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under paragraph (1)(A), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities.

SEC. 8. REPORT TO CONGRESS.

Not later than 60 days after the awarding of the first prize under this Act, and annually thereafter, the Secretary shall transmit to the Congress a report that—

(1) identifies each award recipient;

(2) describes the technologies developed by each award recipient; and

(3) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this Act—

(A) $20,000,000 for awards described in section (4)(a)(1);

(B) $20,000,000 for awards described in section 4(a)(2); and

(C) $10,000,000 for the award described in section 4(a)(3).

(2) ADMINISTRATION.—In addition to the amounts authorized in paragraph (1), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this Act.

(b) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this Act shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this Act permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

SEC. 10. NONSUBSTITUTION.

The programs created under this Act shall not be considered a substitute for Federal research and development programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from South Carolina (Mr. INGLIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. LIPINSKI. 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 H.R. 632, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, I rise today in support of H.R. 632, the H-Prize Act of 2007, an innovative bill I introduced, along with Mr. INGLIS of South Carolina, and that we passed in this House last year by a vote of 416–6.

America faces a great challenge today, finding a new clean energy source that will free us from our dependence on foreign oil and will combat global climate change. Hydrogen has great potential to be this new source and the H-Prize Act will help focus America's technological and entrepreneurial talent on making it happen.

Hydrogen-fuel cars already exist. Last year I had the opportunity to drive a hydrogen-fuel car. It didn't drive much differently than a gas-powered car, except for the silence, silence that I am used to somewhat from driving a hybrid. But that was the only real performance difference. There is no performance difference. The only difference I know of is the silence.

But there are really currently significant technical and economic barriers that must still be overcome before we can put a hydrogen car in every American garage. Current hydrogen-powered vehicles cost about $1 million. But while several significant technological advances are necessary, they are within reach.

Just yesterday, it was reported in the Chicago Tribune that engineers at Purdue University are researching methods of producing hydrogen gas by combining aluminum with another metal, gallium, and adding water. This research could yield ways of overcoming hydrogen storage problems, allowing automobile engines to burn this gas with little modification.

While we must continue to invest in traditional grants to fund university research, we in Congress have the responsibility to find creative and new ways to inspire researchers, business leaders and our youth to solve the problems that society faces today.

The H-Prize will help expand the possibility of hydrogen research, promoting people not normally involved in Federal research to explore one of the greatest challenges facing us today.

Specifically, this legislation would establish competitively awarded cash prizes to spur innovations that advance the use of hydrogen as a fuel for transportation. Every 2 years, four $1 million prizes would be given for advances in the production, storage, distribution and utilization of hydrogen, and one $4 million prize would be awarded for advances in prototype hydrogen vehicles. At the end of 10 years, one grand prize of $10 million would be given for a transformational advance in hydrogen energy technology.

In addition to this $10 million grand prize, we are also seeking to raise up to $40 million to add to that grand prize, $40 million in private contributions.

When these advances are made, hydrogen can fill critical energy needs even beyond transportation. Hydrogen will also be used to provide heat and generate electricity. The future possibilities of this energy source are enormous.

Most importantly, hydrogen will be a clean, domestic energy source. When used for energy, hydrogen produces no emissions besides water, zero emissions, an amazing advance over current energy resources. By utilizing hydrogen, we can improve our national security by lessening our dependence on foreign oil that often comes from unstable countries.

Mr. Speaker, America has always been at the forefront of technological breakthroughs. We have responded to great challenges, perhaps most famously, President John F. Kennedy's challenge to land a man on the moon before the end of the 1960s. We have seen that prizes have been an effective way to inspire technological advances.

Perhaps most famously the prize won by Lindbergh for his successful nonstop flight across the Atlantic. More recently, the Ansari X-Prize given to the first private team to build and fly a spaceship 100 kilometers above earth. The H-Prize is patterned after this X-Prize.

We have seen that challenges and prizes help to spark the imagination of scientists, engineers and entrepreneurs, who invest blood, sweat, tears and often large sums of money, sums of money even larger than the prizes being given, to achieve a great goal.

I ask my colleagues to join me in supporting this bill today. Perhaps one day we will look back on the H-Prize as a catalyst to a better, cleaner, more secure America and world.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 4 minutes to one of the co-chairs of the House Hydrogen Caucus, CHARLIE DENT from Pennsylvania.

Mr. DENT. I too want to thank the gentleman from Illinois (Mr. LIPINSKI) and the gentleman from South Carolina (Mr. INGLIS) for working together so well to bring this important piece of legislation to the floor.

Mr. Speaker, I was proud to join 415 of my colleagues in supporting this bill last Congress, and I am pleased that the H-Prize Act has been brought up again so that we can have an opportunity to enact this important legislation into law.

I rise in strong support of H.R. 632, the H-Prize Act. The Constitution of the United States provides that Congress has the power to promote the progress of science and the useful arts. We, in Congress, have an opportunity and obligation to promote scientific advancement today. For more than a century, America's industry, transportation, and households have been heavily reliant on foreign oil. We must now face newer realities.

Petroleum is a finite resource. No matter how much we explore and discover, we will one day run out and booming worldwide demand is burning up resources and driving up prices. We must search for alternatives to wean us off our addiction to foreign sources of oil. The drive to produce energy economically can be advanced to American innovation and competition.

Fossil fuel technology was the impetus for 20th century industrial development. Today, hydrogen holds a promise of being the driver for the economy of the future and ushering in a new generation of an American energy independence.

Hydrogen makes up 98 percent of the known universe, and it is the third most abundant element of the earth's surface. It is the lightest of all gases, the coldest of all liquids, next to helium. As a component of water, minerals and acids, it makes up a fundamental part of all hydrocarbons and organic substances. Hydrogen is renewable, abundant, efficient and clean. Unlike carbon-based fuels, it does not create fumes or other harmful emissions.

In fact, using hydrogen in fuel cells produces only electricity and pure water. By awarding prizes in three of the most critical areas of technological development, the H-Prize Act will incentivize the realization of scientific advancements that will break down the obstacles that stand in the way of the hydrogen economy.

Specifically, H-Prize will promote technological advancements in hydrogen production, storage, distribution and utilization. Prizes will be awarded for the development of hydrogen vehicle prototypes that meet ambitious performance goals. Finally, the bill will award the implementation of critical transformational technologies.

We are not that far away from making hydrogen a functional source of energy. H.R. 632 will speed the development of breakthrough technologies that will make hydrogen a practical alternative to oil in our transportation sector and set our Nation on a path toward energy independence. I strongly urge all of my colleagues to support H.R. 632.

Again, I do want to commend the two gentlemen, Mr. LIPINSKI of Illinois and Mr. INGLIS of South Carolina, for their strong advocacy on this critical issue.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 3 minutes to the gentlelady from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. I thank the gentleman for yielding.

Mr. Speaker, I rise today in very strong support of the H-Prize bill that we have before us, H.R. 632.

This legislation encourages the best of what this House can offer, and that is ingenuity and the genius of the American inventor. We have always known that when the American people in our free markets put our minds to a problem, there is no stopping them. When we faced the challenges of World War II, for the run-away inflation of the 1970s, American genius and the free market prevailed and delivered our solutions.

Today's challenge is for us to reduce our dependence on foreign oil sources. Our goal is to create a free market diversified portfolio of energy sources, so that we are never again reliant on one single source for our energy needs. Whether with wind, solar, nuclear or biofuel, this Congress' goal should be to protect the environment with as little prejudice for or against alternative energy sources as possible.

One might ask why? As we are already seeing with ethanol, we should never forget the law of unintended consequences. By forcing ethanol into our gas tanks, Congress has unfortunately raised the price of our gas and the price of feed for our livestock.

□ 1200

Listen up, America. Our experience with ethanol should be a cautionary reminder of the burdens government regulation places on our economy and the everyday lives of American families.

What is so brilliant about the H-Prize is that, unlike most of the programs coming out of Congress, this bill doesn't mandate a specific form of technology or add additional regulatory burden. Indeed, instead, the H-Prize encourages the inventor and the market to generate the ideas and solutions.

Mr. Speaker, Republicans pretty much have been shut out of debate and denied amendments, but this bill was one of our ideas from the last Congress which I voted for then, and I certainly will vote for now. I commend you for moving a free market approach through to the floor so that the 110th Congress can also do the right thing.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank my colleague from Illinois (Mr. LIPINSKI) for his work on a number of energy initiatives that we're collaborating on. This is one of those. I think it's a very exciting bill that won't solve all of our challenges, but it will get us down the road toward a brighter energy future.

And it's always helpful to have a picture tell a thousand words. This is a picture of a gas line in a province in China on August 17, 2005. That's a line of cars waiting to buy gas.

ExxonMobil tells us the global energy demand is expected to grow by 60 percent between now and 2030. So we've got to find something to do in order to get to a brighter energy future, one that does not involve the restricted supply that we have when it comes to petroleum. So what we've come up with is an idea of using the incentives of a prize to make it happen, to make some breakthroughs happen when it comes to hydrogen.

Well, the good news is we've done prizes before. In 1927, Charles Lindbergh won a prize for being the first to make a successful transatlantic flight. It worked with flight, and it worked again here more recently when the Ansari X-Prize was created to incentivize space flight. On October 4, 2004, Burt Rutan's Spaceship 1 became the first private spacecraft with commercial potential, succeeding in going into space twice within 2 weeks; and the result was they won the Ansari X-Prize.

So the concept here is to build on that kind of legacy and create the H-Prize. The good news for our colleagues is this shouldn't be a terribly controversial vote. The last time we did it, we got 416 votes in favor of the H-Prize. So it's a do-over with a 416–6 margin last time. So we're hoping that it's going to be successful here today on the floor.

As my colleague from Illinois just said, Mr. LIPINSKI was telling us that the concept is to incentivize breakthroughs in hydrogen technology; and, as he said, technical breakthroughs would be rewarded with a $1 million prize and then prototypes every other year, $4 million. And then the transformational technology prize, the big one, would be a $10 million prize, hopefully augmented by up to $40 million of private money that's authorized under the bill.

So the concept is to, basically, create the most nongovernmental way to achieve a governmental purpose, which is to break this dependence on oil. So we've created the H-Prize. It's a way of incentivizing entrepreneurs and inventors to come together and to create teams that can make this breakthrough.

The beauty of a prize, two beauties of the prizes to point out here to our colleagues, one is, if nobody does it, you don't pay the prize money out, so they've got to win it in order for us to incur the obligation to pay the money out. That's a good thing about prizes.

The second thing that's very important about prizes is the breakthroughs may come from way outside the normal realm that you would expect; and it could be that it's not the normal people or the normal suspects that might come forward with a breakthrough. It may be somebody way afield.

For example, hydrogen breakthroughs may come from biological agents that create hydrogen as part of their metabolism. That's way outside the field of where a lot of people are expecting hydrogen production to come from. But if you have a prize that isn't restricted as to how you create the hydrogen, then you get a lot more entrants, and you get interest from a broad range of fields that may come in with the out-of-the-box thinking that can transform our energy supply.

So I'm very pleased that we've got it on the floor today. I thank the gentleman from Illinois once again for his collaboration on these topics. I'm hopeful that today we'll pass it with a large margin and that we'll be successful with the other body and then a signature by the President, and this will be one of the ways that we can break this addiction to oil and move to a more stable energy future for America.

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

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

Mr. Speaker, this legislation is another great example of what we have been able to do on the Science and Technology Committee by working together in a bipartisan manner. Led by Chairman GORDON, working with Ranking Member HALL, I hope that we can continue this cooperation on other critical issues related to America's future technological competitiveness, energy dependence and global climate change. This is the type of bipartisan work we need to continue to be doing to make progress.

I'd also like to thank Mr. INGLIS for all the work he has done on this. We worked on this bill last year. We worked together on that, and Mr. INGLIS is the one who came forward at that time with the original idea on this. He's worked very well. We have continued to work to make progress, and I'm very hopeful that this year we have worked with the Senate and the administration. We can get this past not just the House but signed into law. Because I think this H-Prize act has really great potential. It has the great potential to solve the great energy challenge we face today. But perhaps it may be most important in spurring the imagination of our youth, our most valuable resource in this country.

I remember in the 1970s there was great excitement about alternative energy. There was an environmental movement, and there was the gasoline crisis, and there was great interest in helping clean up the environment, investing in alternative energy.

It's something that really got me excited. I was caught up in it when I was in grade school back in the 1970s. I remember I did my eighth grade science

fair project on solar energy. That was back in 1980. We saw, unfortunately, though, that the interest in alternative energy really dropped off after that time. Not only interest, but then Federal funding dropped off.

□ 1210

Just in talking to the Science Coalition this morning, they talked about how critical that was when that research funding dropped off. We can't afford to let that happen again. But what did happen with me is it really inspired me, got me interested. I went out and got a degree in mechanical engineering, and although I did not continue down that road, today I bring that background to this House and continue to work on these issues, understanding the importance of this issue and understanding the importance of the Federal Government's really investing in our future and especially in alternative energy. And these challenges are great. We must really confront them.

So today maybe this H-Prize Act will inspire another child out there today. He or she may become an engineer or a scientist or an entrepreneur who plays a hand in the next technological breakthrough. So there is great hope with this H-Prize Act. And today, Mr. Speaker, I ask my colleagues to join me by passing this bill, and hopefully in the future we can look back to today and see it as a major change and a major move forward for America and for the world.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 632, the H-Prize Act of 2007.

The federal government should become more involved in supporting cutting-edge technologies to reduce greenhouse gas emissions and move our nation toward renewable energy.

As a member of the House Committee on Science and Technology, I committed toward supporting a variety of renewable energy technologies—including hydrogen.

H.R. 632 would create competitive cash prizes to reward innovative research, development commercial application of hydrogen energy technologies.

Hydrogen cars and other vehicles would make such a difference in air quality, Mr. Speaker, especially in Texas. Cities in Texas have some of the poorest air quality in the Nation.

Hydrogen-powered vehicles could be designed for mass-scale use. These vehicles would emit only water vapor as a byproduct and reduce our dependence on foreign oil in the long term.

Hydrogen, solar, wind, geothermal, and nuclear are all cleaner energy sources than fossil fuels. H.R. 632 is a positive step toward developing energy technologies that create a brighter future for our children and grandchildren.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today in support of the H-Prize Act of 2007, H.R. 632, an important step forward in making America more competitive and energy independent. As a founding member of the House Hydrogen and Fuel Cell Caucus and a cosponsor of this bill, I believe we must move forward in fostering innovation and competition in hydrogen technology, in order to end our addiction to oil.

According to the Department of Energy, major advances must be made in hydrogen production, distribution, and storage before it can be widely used as a fuel source. The H-Prize Act would excite and attract innovators throughout the country to take up this important task. Specifically, the bill would authorize $50 million from fiscal year 2008 through fiscal year 2017 to be awarded in cash prizes to non-federal entities in three categories—technologies created to assist in the distribution or production of hydrogen; development of hydrogen powered vehicles; and "transformational technology" related to production, storage, distribution, or use of hydrogen fuel. And importantly, the cash prizes would only go to individuals who produce breakthrough results in these categories, spurring competition and innovation into much needed technology.

Solution to our energy crisis can be found in our backyard. Hydrogen can be produced here on American soil. Companies such as UTC Power and Fuel Cell Energy in my district in Connecticut produce hydrogen fuel cells which are a clean, reliable form of energy. Technology such as this can relieve us from our dependence on foreign nations for our energy and create a much healthier alternative for our environment.

Mr. Speaker, I urge my colleagues to join me today in advancing science and supporting H.R. 632. It's time for us to take leadership and commit to the safety and health of our nation by inspiring our nation's brightest to make hydrogen technology a reality.

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

The SPEAKER pro tempore (Mr. SALAZAR). The question is on the motion offered by the gentleman from Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 632, 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. LIPINSKI. 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.

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

Mr. RUSH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 964) to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 964

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 "Securely Protect Yourself Against Cyber Trespass Act" or the "Spy Act".

SEC. 2. PROHIBITION OF UNFAIR OR DECEPTIVE ACTS OR PRACTICES RELATING TO SPYWARE.

(a) PROHIBITION.—It is unlawful for any person, who is not the owner or authorized user of a protected computer, to engage in unfair or deceptive acts or practices that involve any of the following conduct with respect to the protected computer:

(1) Taking control of the computer by—

(A) utilizing such computer to send unsolicited information or material from the computer to others;

(B) diverting the Internet browser of the computer, or similar program of the computer used to access and navigate the Internet—

(i) without authorization of the owner or authorized user of the computer; and

(ii) away from the site the user intended to view, to one or more other Web pages, such that the user is prevented from viewing the content at the intended Web page, unless such diverting is otherwise authorized;

(C) accessing, hijacking, or otherwise using the modem, or Internet connection or service, for the computer and thereby causing damage to the computer or causing the owner or authorized user or a third party defrauded by such conduct to incur charges or other costs for a service that is not authorized by such owner or authorized user;

(D) using the computer as part of an activity performed by a group of computers that causes damage to another computer; or

(E) delivering advertisements or a series of advertisements that a user of the computer cannot close or terminate without undue effort or knowledge by the user or without turning off the computer or closing all sessions of the Internet browser for the computer.

(2) Modifying settings related to use of the computer or to the computer's access to or use of the Internet by altering—

(A) the Web page that appears when the owner or authorized user launches an Internet browser or similar program used to access and navigate the Internet;

(B) the default provider used to access or search the Internet, or other existing Internet connections settings;

(C) a list of bookmarks used by the computer to access Web pages; or

(D) security or other settings of the computer that protect information about the owner or authorized user for the purposes of causing damage or harm to the computer or owner or user.

(3) Collecting personally identifiable information through the use of a keystroke logging function.

(4) Inducing the owner or authorized user of the computer to disclose personally identifiable information by means of a Web page that—

(A) is substantially similar to a Web page established or provided by another person; and

(B) misleads the owner or authorized user that such Web page is provided by such other person.

(5) Inducing the owner or authorized user to install a component of computer software onto the computer, or preventing reasonable efforts to block the installation or execution of, or to disable, a component of computer software by—

(A) presenting the owner or authorized user with an option to decline installation of such a component such that, when the option is selected by the owner or authorized user or when the owner or authorized user reasonably attempts to decline the installation, the installation nevertheless proceeds; or

(B) causing such a component that the owner or authorized user has properly removed or disabled to automatically reinstall or reactivate on the computer.

(6) Misrepresenting that installing a separate component of computer software or providing log-in and password information is necessary for security or privacy reasons, or that installing a separate component of computer software is necessary to open, view, or play a particular type of content.

(7) Inducing the owner or authorized user to install or execute computer software by misrepresenting the identity or authority of the person or entity providing the computer software to the owner or user.

(8) Inducing the owner or authorized user to provide personally identifiable, password, or account information to another person—

(A) by misrepresenting the identity of the person seeking the information; or

(B) without the authority of the intended recipient of the information.

(9) Removing, disabling, or rendering inoperative a security, anti-spyware, or anti-virus technology installed on the computer.

(10) Installing or executing on the computer one or more additional components of computer software with the intent of causing a person to use such components in a way that violates any other provision of this section.

(b) GUIDANCE.—The Commission shall issue guidance regarding compliance with and violations of this section. This subsection shall take effect upon the date of the enactment of this Act.

(c) EFFECTIVE DATE.—Except as provided in subsection (b), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

SEC. 3. PROHIBITION OF COLLECTION OF CERTAIN INFORMATION WITHOUT NOTICE AND CONSENT.

(a) OPT-IN REQUIREMENT.—Except as provided in subsection (e), it is unlawful for any person—

(1) to transmit to a protected computer, which is not owned by such person and for which such person is not an authorized user, any information collection program, unless—

(A) such information collection program provides notice in accordance with subsection (c) before downloading or installing any of the information collection program; and

(B) such information collection program includes the functions required under subsection (d); or

(2) to execute any information collection program installed on such a protected computer unless—

(A) before execution of any of the information collection functions of the program, the owner or an authorized user of the protected computer has consented to such execution pursuant to notice in accordance with subsection (c); and

(B) such information collection program includes the functions required under subsection (d).

(b) INFORMATION COLLECTION PROGRAM.—

(1) IN GENERAL.—For purposes of this section, the term ''information collection program'' means computer software that performs either of the following functions:

(A) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—The computer software—

(i) collects personally identifiable information; and

(ii)(I) sends such information to a person other than the owner or authorized user of the computer, or

(II) uses such information to deliver advertising to, or display advertising on, the computer.

(B) COLLECTION OF INFORMATION REGARDING INTERNET ACTIVITY TO DELIVER ADVERTISING.—The computer software—

(i) collects information regarding the user's Internet activity using the computer; and

(ii) uses such information to deliver advertising to, or display advertising on, the computer.

(2) EXCEPTION FOR SOFTWARE COLLECTING INFORMATION REGARDING INTERNET ACTIVITY WITHIN A PARTICULAR WEB SITE.—Computer software that otherwise would be considered an information collection program by reason of paragraph (1)(B) shall not be considered such a program if—

(A) the only information collected by the software regarding the user's internet activity, and used to deliver advertising to, or display advertising on, the protected computer, is—

(i) information regarding Web pages within a particular Web site; or

(ii) in the case of any Internet-based search function, user-supplied search terms necessary to complete the search and return results to the user;

(B) such information collected is not sent to a person other than—

(i) the provider of the Web site accessed or Internet-based search function; or

(ii) a party authorized to facilitate the display or functionality of Web pages within the Web site accessed; and

(C) the only advertising delivered to or displayed on the computer using such information is advertising on Web pages within that particular Web site.

(c) NOTICE AND CONSENT.—

(1) IN GENERAL.—Notice in accordance with this subsection with respect to an information collection program is clear and conspicuous notice in plain language, set forth as the Commission shall provide, that meets all of the following requirements:

(A) The notice clearly distinguishes a statement required under subparagraph (B) from any other information visually presented contemporaneously on the computer.

(B) The notice contains one of the following statements, as applicable, or a substantially similar statement:

(i) With respect to an information collection program described in subsection (b)(1)(A): ''This program will collect and transmit information about you. Do you accept?''.

(ii) With respect to an information collection program described in subsection (b)(1)(B): ''This program will collect information about Web pages you access and will use that information to display advertising on your computer. Do you accept?''.

(iii) With respect to an information collection program that performs the actions described in both subparagraphs (A) and (B) of subsection (b)(1): ''This program will collect and transmit information about you and will collect information about Web pages you access and use that information to display advertising on your computer. Do you accept?''.

(C) The notice provides for the user—

(i) to grant or deny consent referred to in subsection (a) by selecting an option to grant or deny such consent; and

(ii) to abandon or cancel the transmission or execution referred to in subsection (a) without granting or denying such consent.

(D) The notice provides an option for the user to select to display on the computer, before granting or denying consent using the option required under subparagraph (C), a clear description of—

(i) the types of information to be collected and sent (if any) by the information collection program;

(ii) the purpose for which such information is to be collected and sent; and

(iii) in the case of an information collection program that first executes any of the information collection functions of the program together with the first execution of other computer software, the identity of any such software that is an information collection program.

(E) The notice provides for concurrent display of the information required under subparagraphs (B) and (C) and the option required under subparagraph (D) until the user—

(i) grants or denies consent using the option required under subparagraph (C)(i);

(ii) abandons or cancels the transmission or execution pursuant to subparagraph (C)(ii); or

(iii) selects the option required under subparagraph (D).

(2) SINGLE NOTICE.—The Commission shall provide that, in the case in which multiple information collection programs are provided to the protected computer together, or as part of a suite of functionally related software, the notice requirements of paragraphs (1)(A) and (2)(A) of subsection (a) may be met by providing, before execution of any of the information collection functions of the programs, clear and conspicuous notice in plain language in accordance with paragraph (1) of this subsection by means of a single notice that applies to all such information collection programs, except that such notice shall provide the option under subparagraph (D) of paragraph (1) of this subsection with respect to each such information collection program.

(3) CHANGE IN INFORMATION COLLECTION.—If an owner or authorized user has granted consent to execution of an information collection program pursuant to a notice in accordance with this subsection:

(A) IN GENERAL.—No subsequent such notice is required, except as provided in subparagraph (B).

(B) SUBSEQUENT NOTICE.—The person who transmitted the program shall provide another notice in accordance with this subsection and obtain consent before such program may be used to collect or send information of a type or for a purpose that is materially different from, and outside the scope of, the type or purpose set forth in the initial or any previous notice.

(4) REGULATIONS.—The Commission shall issue regulations to carry out this subsection.

(d) REQUIRED FUNCTIONS.—The functions required under this subsection to be included in an information collection program that executes any information collection functions with respect to a protected computer are as follows:

(1) DISABLING FUNCTION.—With respect to any information collection program, a function of the program that allows a user of the program to remove the program or disable operation of the program with respect to such protected computer by a function that—

(A) is easily identifiable to a user of the computer; and

(B) can be performed without undue effort or knowledge by the user of the protected computer.

(2) IDENTITY FUNCTION.—

(A) IN GENERAL.—With respect only to an information collection program that uses information collected in the manner described in subparagraph (A)(ii)(II) or (B)(ii) of subsection (b)(1) and subject to subparagraph (B) of this paragraph, a function of the program

that provides that each display of an advertisement directed or displayed using such information, when the owner or authorized user is accessing a Web page or online location other than of the provider of the computer software, is accompanied by the name of the information collection program, a logogram or trademark used for the exclusive purpose of identifying the program, or a statement or other information sufficient to clearly identify the program.

(B) EXEMPTION FOR EMBEDDED ADVERTISEMENTS.—The Commission shall, by regulation, exempt from the applicability of subparagraph (A) the embedded display of any advertisement on a Web page that contemporaneously displays other information.

(3) RULEMAKING.—The Commission may issue regulations to carry out this subsection.

(e) LIMITATION ON LIABILITY.—A telecommunications carrier, a provider of information service or interactive computer service, a cable operator, or a provider of transmission capability shall not be liable under this section to the extent that the carrier, operator, or provider—

(1) transmits, routes, hosts, stores, or provides connections for an information collection program through a system or network controlled or operated by or for the carrier, operator, or provider; or

(2) provides an information location tool, such as a directory, index, reference, pointer, or hypertext link, through which the owner or user of a protected computer locates an information collection program.

(f) STUDY AND ADDITIONAL EXEMPTION.—

(1) STUDY AND REPORT.—The Commission shall conduct a study to determine the applicability of the information collection prohibitions of this section to information that is input directly by users in a field provided on a website. The study shall examine—

(A) the nature of such fields for user input;

(B) the use of a user's information once input and whether such information is sent to a person other than the provider of the Web site;

(C) whether such information is used to deliver advertisements to the user's computer; and

(D) the extent of any notice provided to the user prior to such input.

(2) REPORT.—The Commission shall transmit a report on such study to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9. The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this subsection.

(3) REGULATION.—If the Commission finds that users have adequate notice regarding the uses of any information input directly by the user in a field provided on a website, such that an exemption from the requirements of this section, or a modification of the notice required by this section is appropriate for such information, and that such an exemption or modification is consistent with the public interest, the protection of consumers, and the purposes of this Act, the Commission may prescribe such an exemption or modification by regulation.

SEC. 4. ENFORCEMENT.

(a) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—This Act shall be enforced by the Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). A violation of any provision of this Act or of a regulation issued under this Act shall be treated as an unfair or deceptive act or practice violating a rule promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a).

(b) PENALTY FOR PATTERN OR PRACTICE VIOLATIONS.—

(1) IN GENERAL.—Notwithstanding subsection (a) and the Federal Trade Commission Act, in the case of a person who engages in a pattern or practice that violates section 2 or 3, the Commission may, in its discretion, seek a civil penalty for such pattern or practice of violations in an amount, as determined by the Commission, of not more than—

(A) $3,000,000 for each violation of section 2; and

(B) $1,000,000 for each violation of section 3.

(2) TREATMENT OF SINGLE ACTION OR CONDUCT.—In applying paragraph (1)—

(A) any single action or conduct that violates section 2 or 3 with respect to multiple protected computers shall be treated as a single violation; and

(B) any single action or conduct that violates more than one paragraph of section 2(a) shall be considered multiple violations, based on the number of such paragraphs violated.

(c) REQUIRED SCIENTER.—Civil penalties sought under this section for any action may not be granted by the Commission or any court unless the Commission or court, respectively, establishes that the action was committed with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair or deceptive or violates this Act.

(d) FACTORS IN AMOUNT OF PENALTY.—In determining the amount of any penalty pursuant to subsection (a) or (b), the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.

(e) EXCLUSIVENESS OF REMEDIES.—The remedies in this section (and other remedies available to the Commission in an enforcement action against unfair and deceptive acts and practices) are the exclusive remedies for violations of this Act.

(f) EFFECTIVE DATE.—To the extent only that this section applies to violations of section 2(a), this section shall take effect upon the expiration of the 6-month period that begins on the date of the enactment of this Act.

SEC. 5. LIMITATIONS.

(a) LAW ENFORCEMENT AUTHORITY.—Sections 2 and 3 shall not apply to—

(1) any act taken by a law enforcement agent in the performance of official duties; or

(2) the transmission or execution of an information collection program in compliance with a law enforcement, investigatory, national security, or regulatory agency or department of the United States or any State in response to a request or demand made under authority granted to that agency or department, including a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, a court order, or other lawful process.

(b) EXCEPTION RELATING TO SECURITY.—Nothing in this Act shall apply to—

(1) any monitoring of, or interaction with, a protected computer—

(A) in connection with the provision of a network access service or other service or product with respect to which the user of the protected computer is an actual or prospective customer, subscriber, registered user, or account holder;

(B) by the provider of that service or product or with such provider's authorization; and

(C) that involves or enables the collection of information about the user's activities only with respect to the user's relationship with or use of such service or product,

to the extent that such monitoring or interaction is for the purpose of network security, computer security, diagnostics, technical support or repair, network management, authorized updates of software, or for the detection or prevention of fraudulent activities; or

(2) a discrete interaction with a protected computer by a provider of computer software solely to determine whether the user of the computer is authorized to use such software, that occurs upon—

(A) initialization of the software; or

(B) an affirmative request by the owner or authorized user for an update of, addition to, or technical service for, the software.

(c) GOOD SAMARITAN PROTECTION.—

(1) IN GENERAL.—No provider of computer software or of interactive computer service may be held liable under this Act on account of any action voluntarily taken, or service provided, in good faith to remove or disable a program used to violate section 2 or 3 that is installed on a computer of a customer of such provider, if such provider notifies the customer and obtains the consent of the customer before undertaking such action or providing such service.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to limit the liability of a provider of computer software or of an interactive computer service for any anticompetitive act otherwise prohibited by law.

(d) LIMITATION ON LIABILITY.—A manufacturer or retailer of computer equipment shall not be liable under this Act to the extent that the manufacturer or retailer is providing third party branded computer software that is installed on the equipment the manufacturer or retailer is manufacturing or selling.

(e) SERVICES PROVIDED BY CABLE OPERATORS AND SATELLITE CARRIERS.—It shall not be a violation of section 3 for a satellite carrier (as such term is defined in section 338(k) of the Communications Act of 1934 (47 U.S.C. 338(k)) or cable operator (as such term is defined in section 631(a)(2) of such Act (47 U.S.C. 551(a)(2))) to—

(1) utilize a navigation device (as such term is defined in the rules of the Federal Communications Commission);

(2) interact with such a navigation device; or

(3) transmit software to or execute software installed on such a navigation device to provide service or collect or disclose subscriber information,

if the provision of such service, the utilization of or the interaction with such device, or the collection of or disclosure of such information, is subject to section 338(i) or section 631 of the Communications Act of 1934.

SEC. 6. EFFECT ON OTHER LAWS.

(a) PREEMPTION OF STATE LAW.—

(1) PREEMPTION OF SPYWARE LAWS.—This Act supersedes any provision of a statute, regulation, or rule of a State or political subdivision of a State that expressly regulates—

(A) unfair or deceptive conduct with respect to computers similar to that described in section 2(a);

(B) the transmission or execution of a computer program similar to that described in section 3; or

(C) the use of computer software that displays advertising content based on the Web pages accessed using a computer.

(2) ADDITIONAL PREEMPTION.—

(A) IN GENERAL.—No person other than the Attorney General of a State may bring a civil action under the law of any State if

such action is premised in whole or in part upon the defendant violating any provision of this Act.

(B) PROTECTION OF CONSUMER PROTECTION LAWS.—This paragraph shall not be construed to limit the enforcement of any State consumer protection law by an Attorney General of a State.

(3) PROTECTION OF CERTAIN STATE LAWS.—This Act shall not be construed to preempt the applicability of—

(A) State trespass, contract, or tort law; or

(B) other State laws to the extent that those laws relate to acts of fraud.

(4) EFFECTIVE DATE.—The preemption provided for under this subsection shall take effect, with respect to specific provisions of this Act, on the effective date for such provisions.

(b) PRESERVATION OF FTC AUTHORITY.—Nothing in this Act may be construed in any way to limit or affect the Commission's authority under any other provision of law, including the authority to issue advisory opinions (under part 1 of volume 16 of the Code of Federal Regulations), policy statements, or guidance regarding this Act.

SEC. 7. FTC REPORT ON COOKIES.

(a) IN GENERAL.—Not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9, the Commission shall submit a report to the Congress regarding the use of cookies in the delivery or display of advertising to the owners and users of computers. The report shall examine the extent to which cookies are or may be used to transmit to a third party personally identifiable information of a computer owner or user, information regarding Web pages accessed by the owner or user, or information regarding advertisements previously delivered to a computer, for the purpose of—

(1) delivering or displaying advertising to the owner or user; or

(2) assisting the intended recipient to deliver or display advertising to the owner, user, or others.

The report shall examine and describe the methods by which cookies and the Web sites that place them on computers function separately and together, and shall compare the use of cookies with the use of information collection programs (as such term is defined in section 3) to determine the extent to which such uses are similar or different. The report may include such recommendations as the Commission considers necessary and appropriate, including treatment of cookies under this Act or other laws.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

(c) PAPERWORK REDUCTION REQUIREMENTS.—The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this section.

SEC. 8. FTC REPORT ON INFORMATION COLLECTION PROGRAMS INSTALLED BEFORE EFFECTIVE DATE.

Not later than the expiration of the 6-month period that begins on the date on which final regulations are issued under section 9, the Commission shall submit a report to the Congress on the extent to which there are installed on protected computers information collection programs that, but for installation prior to the effective date under section 11(a), would be subject to the requirements of section 3. The report shall include recommendations regarding the means of affording computer users affected by such information collection programs the protections of section 3, including recommendations regarding requiring a one-time notice and consent by the owner or authorized user of a computer to the continued collection of information by such a program so installed on the computer. The requirements of subchapter I of chapter 35 of title 44, United States Code, shall not apply to the report required under this section.

SEC. 9. REGULATIONS.

(a) IN GENERAL.—The Commission shall issue the regulations required by this Act not later than the expiration of the 9-month period beginning on the date of the enactment of this Act. In exercising its authority to issue any regulation under this Act, the Commission shall determine that the regulation is consistent with the public interest and the purposes of this Act. Any regulations issued pursuant to this Act shall be issued in accordance with section 553 of title 5, United States Code.

(b) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 10. DEFINITIONS.

For purposes of this Act:

(1) CABLE OPERATOR.—The term ''cable operator'' has the meaning given such term in section 602 of the Communications Act of 1934 (47 U.S.C. 522).

(2) COLLECT.—The term ''collect'', when used with respect to information and for purposes only of section 3(b)(1)(A), does not include obtaining of the information by a party who is intended by the owner or authorized user of a protected computer to receive the information or by a third party authorized by such intended recipient to receive the information, pursuant to the owner or authorized user—

(A) transferring the information to such intended recipient using the protected computer; or

(B) storing the information on the protected computer in a manner so that it is accessible by such intended recipient.

(3) COMPUTER; PROTECTED COMPUTER.—The terms ''computer'' and ''protected computer'' have the meanings given such terms in section 1030(e) of title 18, United States Code.

(4) COMPUTER SOFTWARE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ''computer software'' means a set of statements or instructions that can be installed and executed on a computer for the purpose of bringing about a certain result.

(B) EXCEPTIONS.—Such term does not include—

(i) computer software that is placed on the computer system of a user by an Internet service provider, interactive computer service, or Internet Web site solely to enable the user subsequently to use such provider or service or to access such Web site;

(ii) a cookie; or

(iii) any other type of text or data file that solely may be read or transferred by a computer.

(5) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(6) DAMAGE.—The term ''damage'' has the meaning given such term in section 1030(e) of title 18, United States Code.

(7) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—The term ''unfair or deceptive acts or practices'' has the meaning applicable to such term for purposes of section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(8) DISABLE.—The term ''disable'' means, with respect to an information collection program, to permanently prevent such program from executing any of the functions described in section 3(b)(1) that such program is otherwise capable of executing (including by removing, deleting, or disabling the program), unless the owner or operator of a protected computer takes a subsequent affirmative action to enable the execution of such functions.

(9) INFORMATION COLLECTION FUNCTIONS.—The term ''information collection functions'' means, with respect to an information collection program, the functions of the program described in subsection (b)(1) of section 3.

(10) INFORMATION SERVICE.—The term ''information service'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(11) INTERACTIVE COMPUTER SERVICE.—The term ''interactive computer service'' has the meaning given such term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(12) INTERNET.—The term ''Internet'' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(13) PERSONALLY IDENTIFIABLE INFORMATION.—

(A) IN GENERAL.—The term ''personally identifiable information'' means the following information, to the extent only that such information allows a living individual to be identified from that information:

(i) First and last name of an individual.

(ii) A home or other physical address of an individual, including street name, name of a city or town, and zip code.

(iii) An electronic mail address.

(iv) A telephone number.

(v) A social security number, tax identification number, passport number, driver's license number, or any other government-issued identification number.

(vi) A credit card number.

(vii) Any access code, password, or account number, other than an access code or password transmitted by an owner or authorized user of a protected computer to the intended recipient to register for, or log onto, a Web page or other Internet service or a network connection or service of a subscriber that is protected by an access code or password.

(viii) Date of birth, birth certificate number, or place of birth of an individual, except in the case of a date of birth transmitted or collected for the purpose of compliance with the law.

(B) RULEMAKING.—The Commission may, by regulation, add to the types of information described in subparagraph (A) that shall be considered personally identifiable information for purposes of this Act, except that such additional types of information shall be considered personally identifiable information only to the extent that such information allows living individuals, particular computers, particular users of computers, or particular email addresses or other locations of computers to be identified from that information.

(14) SUITE OF FUNCTIONALLY RELATED SOFTWARE.—The term suite of ''functionally related software'' means a group of computer software programs distributed to an end user by a single provider, which programs enable features or functionalities of an integrated service offered by the provider.

(15) TELECOMMUNICATIONS CARRIER.—The term ''telecommunications carrier'' has the meaning given such term in section 3 of the Communications Act of 1934 (47 U.S.C. 153).

(16) TRANSMIT.—The term ''transmit'' means, with respect to an information collection program, transmission by any means.

(17) WEB PAGE.—The term ''Web page'' means a location, with respect to the World

Wide Web, that has a single Uniform Resource Locator or another single location with respect to the Internet, as the Federal Trade Commission may prescribe.

(18) WEB SITE.—The term ''web site'' means a collection of Web pages that are presented and made available by means of the World Wide Web as a single Web site (or a single Web page so presented and made available), which Web pages have any of the following characteristics:

(A) A common domain name.

(B) Common ownership, management, or registration.

SEC. 11. APPLICABILITY AND SUNSET.

(a) EFFECTIVE DATE.—Except as specifically provided otherwise in this Act, this Act shall take effect upon the expiration of the 12-month period that begins on the date of the enactment of this Act.

(b) APPLICABILITY.—Section 3 shall not apply to an information collection program installed on a protected computer before the effective date under subsection (a) of this section.

(c) SUNSET.—This Act shall not apply after December 31, 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Florida (Mr. STEARNS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. 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 bill under consideration.

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

There was no objection.

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

Mr. Speaker, today the House takes up H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act, or SPY Act.

This bill is not unfamiliar to the House of Representatives. Twice this body has passed the SPY Act with overwhelming margins, and it is my hope that today will be the third time. H.R. 964 aggressively tackles the problem of ''spyware,'' the insidious software that consumers unwittingly download onto their computers, only to have their personal private information extracted for commercial or fraudulent purposes.

In the past two Congresses, Mrs. BONO and Mr. TOWNS introduced the bipartisan SPY Act, and both times the bill enjoyed overwhelming support. This year, Mr. TOWNS and Mrs. BONO have once again teamed up to introduce the SPY Act as H.R. 964. And on March 15, the Consumer Protection Subcommittee held another legislative hearing on the bill. On May 10, 2007, the Energy and Commerce Committee unanimously reported H.R. 964, the SPY Act, as amended.

H.R. 964 provides a broad regulatory framework that empowers consumers with knowledge and the ability to control what software is installed, and is not installed, on their personal computers. This bill prohibits unfair or deceptive acts and practices related to spyware and creates an ''opt in'' regime whereby entity cannot execute any program that collects a person's personal information without, first, giving explicit notice to the consumer and second, receiving his or her consent. H.R. 964 provides that the FTC will enforce the SPY Act and will have the authority to impose significant civil penalties. During both the full committee and the subcommittee markups of H.R. 964, I introduced manager's amendments tweaking provisions of the bill, and they were the work product of deliberative bipartisan cooperation. This bill has been thoroughly honed to be effective without being overbearing.

Mr. Speaker, the SPY Act is a quality piece of legislation that all Members of the House should enthusiastically support. The full Committee on Energy and Commerce and the subcommittee that I am privileged to chair, the Subcommittee on Commerce, Trade and Consumer Protection, have a long history of bipartisan cooperation, and this bill is an extension of that longstanding tradition.

I urge my colleagues to vote ''yes'' on the bill.

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

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, I am pleased again, I have been here a number of times, to consider H.R. 964, the SPY Act, a bill which is important to fight Internet privacy. In the past and as we speak on the floor today, this has bipartisan support with bipartisan leadership. It has been offered by my colleague from California, MARY BONO, and my colleague from New York, ED TOWNS. Both of them have worked dutifully to try to pass this bill. And, unfortunately, the last time we passed it overwhelmingly in the House, it did not get through the Senate; so we are back at it again.

I also want to thank the new chairman of the committee that I chaired last year, Mr. RUSH, for his commitment to maintaining a bipartisan process in this, and that is why we are here on the floor today. If it hadn't been for the leadership of these individuals combined with what I think is a Federal Trade Commission commitment and the stakeholders in the community in this process, we would not have had a workable legislative solution.

So I think today that we have to realize that even at the last 11th hour we might have some people who don't totally agree, but I think the bill is a strong bill. It takes a firm and, I think, a fair on balance approach in balancing the need to address bad actors and the need to protect the functions of legitimate business tools.

Both at the committee level and on the floor, we have voted on this spyware before, as I mentioned, three times. Three times we have gone through the process of holding hearings, receiving testimony from many witnesses, listening to the horrors of spyware and how it can be a tool of identity thieves, and we know how identity theft is prevalent today, conducting negotiations, and we have asked for ways to improve the bill. So we have seen support across the board in industry for this bill. We asked what is the best way to improve this bill. So I think we have worked hard on this legislation.

And, my colleagues, I think it is time we move this to the Senate, and if there are any further problems with this bill, we certainly can handle these problems in the conference between the House and the Senate.

Now, you should realize that there are some in the business community who have raised a 11th hour concern about a specific provision that was added at the full committee markup. Not in our subcommittee, Mr. Speaker, but in our full committee. I have been through seven hearings on the question of privacy on the question of opt in and opt out. I am well aware of the feelings of Members dealing with opt in and opt out, depending upon how you view this process. So I share some of the concerns of the business community in their 11th hour attempt to bring this to our attention. But the responsibility of continuing to move this process forward, I think, is important. That is why I have decided to vote ''yes'' today to support this bill. And, hopefully, when the Senate has it, they can make the changes. If not, we can do it in conference. But to take a bill that has been in this long process and has had so many hearings for so many years and decide that it should not go forward is not the right process.

□ 1220

And we all in Congress here know that sometimes the enemy of the good is the perfect.

So we can solve this issue, I think, to satisfy all interested parties. It is a strong piece of legislation; and I cannot think of a reason why our Senate colleagues should not act on it, also.

So, in closing, the SPY Act is a solid consumer protection bill that returns control of personal computers and private information to where it belongs, and that is to the consumer.

I urge my colleagues to vote ''yes'' on H.R. 964.

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

Mr. RUSH. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from New York, my colleague, my friend (Mr. TOWNS).

Mr. TOWNS. Thank you very much for yielding time.

Mr. Speaker, I rise in support of H.R. 964, the SPY Act, which would greatly improve the privacy of consumers' online computer use. The time has come for this bill to pass.

A lot of hard work has been put into this legislation. First and foremost, I

would like to commend Congresswoman MARY BONO, the Republican sponsor of the bill. Of course, without her hard work, insight and persistence on this issue, we would not be where we are today. I have been proud to work with her on this bill, and I salute her for all of her efforts.

Of course, we have been down this road a few times now with several hearings; and, of course, we passed it before. But this time I think that people realize how important this legislation is, and I do feel that it should go all the way.

I also want to commend Chairman DINGELL and Ranking Member BARTON for their strong commitment to this issue and leadership in getting our bill to the floor. I would like to thank my very good friend, the subcommittee chairman, Chairman RUSH of Chicago, Illinois, Ranking Member STEARNS, who has been a friend for many, many years as well, for their hard work on this legislation. They have stayed with it and gone through the process over and over again because they recognize how important this legislation is to our country.

Finally, I would like to acknowledge all of the staff for their hard work, especially Consuela Washington and David Cavicke for their hard work and, of course, their suggestions and ideas and recommendations. I would like to just take this opportunity to thank them.

There is no question that spyware is a serious problem. Spyware software, which is downloaded without a computer owner's knowledge, invades one's privacy by recording and transmitting personal information, monitoring the Web site someone visits, or even stealing documents from an individual's computer. Other programs hijack a computer by changing home pages or forcing a person to click through multiple screens until a spyware program is downloaded.

In fact, problems related to spyware have become so widespread that I cannot run into someone who hasn't been negatively affected by it. This is a big change from when we first began this effort a few years ago. There were only a few people complaining, but now we have a lot of people complaining. Now we know the seriousness of the problem and that we need Federal legislation to safeguard privacy, as well as to ensure the long-term integrity of e-commerce.

Today's legislation provides consumers with new tools to protect themselves from unwanted, harmful software. Under the bill, consumers would have to receive a clear and concise warning about the spyware program. Second, consumers would have to provide their affirmative consent before the program could operate on their computer. Finally, Mr. Speaker, consumers must have the option to easily disable any harmful spyware programs to their computer. While some consumers may want to share their information to receive free games other discount offers, all consumers have the right to make that choice.

Finally, Mr. Speaker, and this time I really mean finally, any time we legislate on highly technical matters there is always a danger of stifling innovation and making the use of legitimate software too burdensome. It is a very difficult tightrope to walk. But I think we have done an excellent job in walking that tightrope.

This bill addresses many of the concerns raised, while at the same time retaining a meaningful notice and consent regime to protect consumer privacy.

Through much hard work, we have carefully crafted a strong bipartisan consumer protection bill, and I would urge my colleagues to support this. This is a quality piece of legislation, and I hope that we are able to move it through both Houses very quickly and that the President would sign it into law.

Mr. STEARNS. Mr. Speaker, I yield 5 minutes to the author of the bill, the gentlelady from California (Mrs. BONO).

Mrs. BONO. Mr. Speaker, I rise in strong support of H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act.

When the gentleman from New York and I first introduced the spyware bill in 2003, few people knew what spyware was or how problematic it could be to American citizens; and since that time the online threat of spyware remains. According to a recent Consumer Report survey, spyware and viruses cost American computer users nearly $8 billion over a 2-year period.

Historically, spyware legislation in this House has received strong bipartisan support. Our initial bill in the 108th Congress passed 399–1; and in the 109th Congress, our spyware bill again received overwhelming bipartisan support, garnering over 60 cosponsors and passing the House 393–4.

Mr. Speaker, this Congress, H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act, or SPY Act, has again garnered wide bipartisan support with 41 cosponsors.

Because of the Internet's role in interstate commerce, the need for Federal spyware legislation is clear. We cannot expect online companies to function efficiently when they are faced with a patchwork of State anti-spyware statutes. There needs to be legal uniformity.

Additionally, I remain a strong proponent of anti-spyware legislation because I believe consumers should have the final say about what plants itself on their computer, not a third party with potentially conflicting interests. The SPY Act accomplishes this by prohibiting commonly known, unfair or deceptive acts relating to spyware.

H.R. 964 also prohibits the collection of personal information from a computer without notice and consent before the first execution of any information collection program. The bill also requires that the user is able to easily remove or disable the spyware.

I also understand there are instances where spyware can be useful. H.R. 964 exempts action taken by law enforcement and national security pursuant to warrant, court order or other lawful process, or actions taken in good faith with the user's consent. H.R. 964 also protects the developers of anti-spyware software from the threat of serious lawsuits.

Simply stated, this bill works to restore privacy on the home computer, which has become the control center for our business transactions as well as as our personal interactions.

Mr. Speaker, my colleague from New York and I began this effort in 2003; and I thank the gentleman, ED TOWNS, for all of his efforts and for being such a terrific partner in this process. Again, since that time, this effort has received the bipartisan support of the House. It is my hope that the 110th Congress will continue to act in a bipartisan way that passes this legislation.

I ask for the support of my colleagues and hope that once again we can take back our computers so the consumer owns their computer, not a third party. Let's pass the SPY Act, H.R. 984.

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

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

Mr. RUSH. Mr. Speaker, as was indicated earlier, this is the third time that this bill has been before this body. It was passed overwhelmingly two times in prior Congresses. We really believe that the third time should be the charm. This bill should pass out of this House with the same kind of margins that it passed out of two previous Congresses, and I would urge my colleagues to vote for this bill once again.

This bill needs to become law. This bill protects the American consumer. This bill protects the American economy. This is a good bill. It needs to become law.

None of the practices outlawed by section 2 of the bill are ''legitimate.'' As for section 3's consumer notice, consent, identification, and easy disabling requirements, legitimate business practices are exempted by the exceptions in section 3(b)(2) and the limitations in section 5 of the SPY Act. The committee added new rule-making authority to exempt a broad class of entities operating Internet Web sites that collect information if the FTC finds that their notice to consumers is adequate.

□ 1230

Mr. Speaker, we have corrected the bill, made minor tweaking improvements on the bill, and I urge my colleagues to support this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in strong support of H.R. 964, the Securely Protect Yourself Against Cyber Trespass Act—the SPY Act. It is a strong consumer protection bill, of which I am an original cosponsor, that will help us in the fight against identity theft.

With today's vote, the House will have passed the SPY Act three times. Let's hope that the third time's a charm—and that today's passage means this bill will finally get signed into law.

The SPY Act is important because it protects consumers from spyware, the unwanted and sneaky software that is so powerful that it can steal information from, monitor and control others' computers—without the computer's owner even knowing the software has been installed.

The SPY Act would put the control of computers back in the hands of consumers—where it belongs. It prohibits indefensible uses of the software, like phishing and logging every keystroke entered, and requires that consumers be notified and opt-in before software is installed on their computers. Furthermore, the SPY Act gives the Federal Trade Commission the additional power it needs to pursue deceptive uses of the software.

I believe that this bill will go a long way toward protecting consumers from having their valuable and personal information stolen by purveyors of spyware. I am glad that I was part of the bipartisan process that brought this bill to the floor today. I urge my colleagues to support its passage. Thank you.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to H.R. 964, the SPY Act.

The continued growth of the Internet has brought tremendous enhancements to our quality of life—from advances in the delivery of health care, to the ability of consumers to instantaneously conduct transactions online. Increasingly, consumers want a fast connection to the Internet and want the delivery of online services to be seamless and online service providers have invested significant resources to develop software to make their services as safe, reliable and fast as possible.

However, as Congress considers legislation to combat spyware, I believe that four overarching principles should guide our efforts. First, we must punish the bad actors, while protecting legitimate online companies. Second, we must not over-regulate, but rather encourage innovative new services and the growth of the Internet. Third, we must not stifle the tree market interactions between consumers and service providers. Fourth, we must target the behavior, not the technology. It is my hope that any legislation Congress enacts to combat spyware will adhere to these core principles.

On May 23, 2005, the House of Representatives passed legislation, similar to H.R. 964, which sought to solve the spyware problem by targeting the technology, instead of the criminal behavior behind the technology. However, many developments have occurred during the intervening two years which have convinced me that this regulatory approach to combating spyware is even more unwise than previously thought.

For example, just last month, the House Energy and Commerce Committee adopted an amendment to H.R. 964 that would have had enormous consequences for the Internet and online innovation. This amendment would have, in part, regulated Internet "cookies" for the first time under the bill. Internet cookies are used by most websites to enhance consumers' experiences with the Internet and to make the Internet more seamless and navigable with fewer stoplights. To make every online company that uses cookies comply with the notice and consent regime under the bill would have significantly interfered with consumers' Internet experiences. By forcing consumers to click through even more prescripted alert messages, this change would have, ironically, exacerbated the likelihood that consumers would become desensitized to these notices and click "accept" without reading them. In addition, this desensitization is likely to also give nefarious software installers a false legitimacy since there would be no distinction between the notices they provide and the notices legitimate online companies provide.

Apparently, the Democratic Leadership saw the error in the regulation of cookies and stripped the bill of this language just before the bill came to the Floor today. However, this mistake by the committee highlights the difficulties with trying to impose one-size-fits-all regulations to solve problems involving ever-evolving technologies.

In addition, Chairman Majoras of the Federal Trade Commission testified in October of 2005 that a notice-and-choice approach was not recommended for combating spyware for many reasons. He noted the fact that consumers will be overwhelmed by the notices they will receive when using the Internet and will most likely ignore the notices and click through them.

Furthermore, in the past few years there have been major developments in technological solutions to help consumers combat spyware. Consumer packages are becoming more and more effective in screening out unwanted spyware from their computers and are offered by many Internet service providers, as well as independent software providers.

Finally, a broad cross-section of legitimate online businesses and trade associations has expressed opposition to the regulatory approach of H.R. 964. On June 5, 2007, a coalition of over 30 trade associations and companies, including the U.S. Chamber of Commerce, the National Retail Federation, the Financial Services Roundtable, and numerous technology-based entities, sent a letter to all Members of the House of Representatives detailing their concerns with H.R. 964. This letter specifically expresses opposition to regulating Internet cookies, as well as opposition to including web sites (where consumers willingly submit information online) within in the scope of the legislation.

The better approach to combating spyware would be to target the criminal behavior of those who actually use spyware, and to continue our policy of letting innovative online companies interact with consumers to develop the exciting new online services that consumers have come to enjoy and expect from the Internet.

I have introduced legislation, along with my colleague ZOE LOFGREN of California, to combat spyware by going after the criminals using spyware, rather than trying to regulate all software regardless of whether it is harmful or helpful. This legislation, H.R. 1525, was passed by the House and now awaits further action in the Senate. I urge my colleagues to support this targeted approach.

Mr. BARTON of Texas. Mr. Speaker, the bill we are considering today—the Towns-Bono SPY Act—is an important piece of legislation to me. We've been working on this bill for 4 years now, before many of us ever heard the term "spyware." I applaud the bipartisan sponsors for their unwavering commitment to pass this legislation.

The surreptitious installation of spyware on your computer without your knowledge and without your consent is a little like sneaking into your home and planting a bug: it is an invasion of your privacy and it is clearly wrong. This bill prohibits all the nefarious conduct that is used to harm consumers. The legislation provides the FTC a strong mandate to go after bad actors and their destructive behavior.

There are many important and legitimate business functions of the Internet, and I have no problem with businesses trying to compete and sell their goods and services. And I recognize advertising is a part of commerce. But I feel strongly that there is a line that should not be crossed regarding the sharing of my personal information without first obtaining my consent. Consumers have the right to know if they are being profiled, if their personal information is going to be shared, and with whom it might be shared. My computer and my personal information are my property. This legislation will ensure I have control over both.

This bill strikes a fair balance between the need to protect the functions of legitimate business tools and punishing bad actors.

In closing, I want to thank Chairman RUSH, Chairman DINGELL, and Ranking Member STEARNS for moving the bill through the Committee. I commend MARY BONO and ED TOWNS for their tireless efforts to address this insidious activity.

I urge all of my colleagues to vote for this important piece of legislation and hope that our Senate colleagues will do the same.

Mr. RUSH. 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 Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 964, 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. WESTMORELAND. 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.

HUMAN CLONING PROHIBITION ACT OF 2007

Ms. DEGETTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2560) to amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2560

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Human Cloning Prohibition Act of 2007".

SEC. 2. PROHIBITION AGAINST HUMAN CLONING.

(a) IN GENERAL.—The Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) is amended by adding at the end the following:

"CHAPTER X—HUMAN CLONING

''PROHIBITION AGAINST HUMAN CLONING

''SEC. 1001. (a) IN GENERAL.—It shall be unlawful for any person—

''(1) to perform or attempt to perform human cloning; or

''(2) to ship, mail, transport, or receive the product of human somatic cell nuclear transfer technology knowing that such product is for the purpose of human cloning.

''(b) DEFINITIONS.—For purposes of this section:

''(1) The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.

''(2) The term 'human somatic cell nuclear transfer technology' means transferring the nuclear material of a human somatic cell into an egg cell from which the nuclear material has been removed or rendered inert.

''(3) The term 'person' includes a governmental entity.''.

(b) PROHIBITED ACTS.—

(1) IN GENERAL.—Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by adding at the end the following:

''(jj) The violation of section 1001(a).''.

(2) CRIMINAL PENALTY.—Section 303(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(b)) is amended by adding at the end the following:

''(7) Notwithstanding subsection (a), any person who violates section 301(jj) shall be imprisoned not more than 10 years or fined in accordance with title 18, United States Code, or both.''.

(3) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended—

(A) by redesignating subsection (g) as subsection (f); and

(B) by adding at the end the following:

''(g)(1) Any person who violates section 301(jj) shall be liable to the United States for a civil penalty in an amount not to exceed the greater of—

''(A) $10,000,000; or

''(B) an amount equal to the amount of any gross pecuniary gain derived from such violation multiplied by 2.

''(2) Paragraphs (3) through (5) of subsection (f) apply with respect to a civil penalty under this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under subsection (f).''.

(4) FORFEITURE.—Section 303 of the Federal Food, Drug, and Cosmetic Act, as amended by paragraph (3), is amended by adding at the end the following:

''(h) Any property, real or personal, derived from or used to commit a violation of section 301(jj), or any property traceable to such property, shall be subject to forfeiture to the United States.''.

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

The Chair recognizes the gentlewoman from Colorado.

GENERAL LEAVE

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

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of H.R. 2560, the Human Cloning Prohibition Act of 2007. Tomorrow, the House will debate S. 5, the Stem Cell Research Enhancement Act, which will expand the number of stem cell lines that are eligible for federally funded research. Similar to legislation passed in the House earlier this year with overwhelming bipartisan support, the goal of S. 5 is to accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. When we debated the bill in January, opponents of the bill chose to muddle the debate by offering a motion to recommit involving cloning, a topic unrelated to H.R. 3.

After the debate, a number of my colleagues asked me if we could address the issue of human reproductive cloning because they, like I, were opposed to reproductive cloning. So, as we prepare to debate embryonic stem cell research tomorrow, I have introduced H.R. 2560 with my colleague from Connecticut so that we can discuss this important issue.

Since scientists in Scotland were able to create a cloned sheep named Dolly, some have speculated about the possibility of one day cloning human beings. But we can all agree that there is universal opposition to conducting human reproductive cloning and it should be illegal. Human reproductive cloning is morally and scientifically wrong. Unfortunately, at this time, though, there is nothing to prevent irresponsible individuals from conducting research in an attempt to achieve human reproductive cloning. The most effective way to prevent human reproductive cloning in the United States is to pass a Federal prohibition on this practice and impose severe penalties for doing so.

This is why my colleague, Congressman Chris Murphy, and I have introduced the Human Cloning Prohibition Act of 2007. Our bill would make it illegal to use cloning technology to initiate a pregnancy and therefore create a cloned human being. The penalty for such an act would include severe criminal sanctions, in addition to as much as $10 million in civil fines. These strict penalties are necessary to ensure that such an act is prevented from occurring.

Unbelievably, people actually are opposing this bill because they are seeking to characterize it as a much broader bill. While they make many false claims, the fact of the matter is this legislation today is solely a ban on human reproductive cloning, something that all Members of Congress as well as, I think, the vast majority of the American public support. The accusations that this bill expressly allows something new are completely false.

I also find it ironic that those who oppose our bill argue that one of its flaws is that it would force all cloned embryos to be killed. The bill bans human reproductive cloning. Nothing more, nothing less. So the argument of those who say they are against cloning is that we should defeat our bill to prevent cloned embryos from being killed. It defies logic, just like it defies logic why anyone would vote against this bill.

Mr. Speaker, I hope today we can take the rhetoric down and that we can focus on what this bill does, which is to prevent human reproductive cloning. We all agree this practice should be banned, so let's pass this bill and make it happen.

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

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

I rise in opposition to H.R. 2560. This bill is being marketed as a ban on human cloning. However, H.R. 2560 does nothing to prevent human cloning. In fact, the bill allows for unlimited cloning of human embryos but prevents women and doctors from trying to implant one of these embryos to initiate a pregnancy. In practice, this means that embryos will be cloned, used for experimentation, harvesting, research, then assigned a death sentence. So cloned embryos would be required by law to die. Not only does this bill allow the practice of cloning to move forward, it also mandates the killing of those human embryos.

The bill before us today is a ruse. It is not a ban on cloning. It is a permission to clone, and I hope no one here today will be confused about what we are being asked to do. The bill's supporters state that this would ban reproductive cloning, but this claim is highly misleading because the language does not restrict the actual act of human cloning by allowing for somatic cell nuclear transfer, a confusing and technical way of defining research cloning.

The bill before us is called the Human Cloning Prohibition Ban, and you might think that it does what it says instead of the opposite of what it says. If it did what it said, I would vote for it. Part of the problem we are having is the consequence of having had no committee process to determine what the bill actually does. We have had no hearings. We have had no markups. In fact, the bill was not even introduced until last night. And now the bill that nobody has seen is on the suspension calendar. Intentional or otherwise, this is another duplicity. The suspension calendar is for noncontroversial measures, like naming post offices, not for highly controversial legislation that is a wolf in Dolly the sheep's clothing.

This bill is bad policy, and so was the process by which it got here. How many times will we have this discussion? The week before Memorial Day we discussed a bill on Medicare payments that came to the House floor the same way. Yesterday, a resolution on how Congress will handle future ethics

matters was introduced on the same day that it was inserted in the suspension calendar with no committee hearings.

□ 1240

The Senate could be forgiven for concluding that the new majority promises for open government are still not being realized after 5 months.

The bill is opposed by the White House. In their statement of administration policy which came out, they said that this would ''prohibit human cloning for reproductive purposes but permit the creation of cloned embryos or development of human embryo farms for research which would require destruction of nascent human life.''

That is exactly what H.R. 2560 does. It crosses a new moral line by making it a criminal act to let the cloned embryos survive. To put it directly, this bill would create a class of living human beings that must be killed under the law.

Mr. Speaker, this is not progress. It is a disturbing step in the wrong direction. It should be rejected on this floor, and I urge my colleagues to oppose the bill.

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

Ms. DEGETTE. Mr. Speaker, just briefly, as the gentleman from Pennsylvania knows, our committee, the Energy and Commerce Committee, did have robust hearings on cloning several years ago where we brought in several scientists as well as a cult called the Raelians who are actually trying to clone human beings, and that is why we need this kind of limitation.

Mr. Speaker, I am pleased to yield 5 minutes the gentleman from Connecticut (Mr. MURPHY), the cosponsor of the bill.

Mr. MURPHY of Connecticut. Mr. Speaker, I thank my colleague, Representative DEGETTE, for being such a leader on this issue in the past and allowing me to join with her today to offer this very commonsense measure regarding the banning of human reproductive cloning.

I rise in support of this act today. I do so because to me the bill before us is relatively simple. This is a straightforward ban on human reproductive cloning, taking material through somatic cell nuclear transfer and turning that material into a living, breathing human being. As Representative DEGETTE said, nothing more, nothing less.

Under this law, if someone uses cloning technology to initiate a pregnancy and creates a cloned human being, they would face severe criminal and civil sanctions.

This legislation is something that the vast majority of the American public supports, and it is something that all Members of Congress I think should support as well.

In Connecticut, as part of our State's historic Stem Cell Investment Act, which I was very honored to have authored, we recognize that human being reproductive cloning is a practice that perverts the promise of science; and we banned it outright in our legislation. In fact, I think it is pretty amazing that we are standing here having this debate today, that the Federal Government has, until today, not stepped forward and said that human reproductive cloning, bringing that material to the stage of a human being created from that material, is illegal. We should do what we did in Connecticut here today.

Mr. Speaker, I understand that there are some members who want to turn this ban on human reproductive cloning into a ban on somatic cell nuclear transfer, called by some therapeutic cloning, and I understand the discomfort many Members have with this innovative line of stem cell research. Personally, for me, I join the scientific community in my belief that it is this research that holds the most potential for lifesaving treatments and cures.

But I recognize there are those who disagree. However, the debate surrounding this particular disagreement is not the subject of today's legislation. Today's legislation is simply about the line that we all can agree to draw, that which clearly and cleanly prohibits the manipulation of cells or embryos into a cloned human being.

The moral and ethical questions surrounding somatic cell nuclear transfer are legitimate subjects for debate. But that debate will occur later this week when we revisit the comprehensive stem cell authorization bill coming back to this House from the Senate.

Today, Mr. Speaker, our task is simple: Ban what we all agree is beyond the scientific and ethical pale, human reproductive cloning.

We are dealing with an issue as complicated as cloning technology. The morass of scientific arcana and the ease of sound bite simplification can obscure the simple facts. So let's be clear. Today, human cloning, creating a replica of a person's DNA, implanting an embryo into the womb of a woman and creating a new human being out of that material, that practice is legal today in this country with exceptions such as Connecticut and other States that have done the right thing and banned it. With the enactment of this legislation, human reproductive cloning will be illegal. Nothing more, Mr. Speaker, nothing less.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), a leader on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding.

Mr. Speaker, beware of false and misleading bill titles.

H.R. 2560, rushed to the floor today after only being introduced several hours ago, is misnamed the ''Human Cloning Prohibition Act of 2007.''

The fact is, this bill doesn't ban any human cloning at all. Absolutely none. Researchers are absolutely free, are given the green light, to clone human life to their heart's content, so long as they kill and destroy the cloned human embryo at some point, perhaps weeks, after its creation. As a matter of fact, the legislation makes it a serious crime to allow a cloned human being to survive pass a certain point.

In other words, this bizarre piece of legislation would make it illegal not to kill a cloned human being; and the penalties are stiff, up to 10 years in prison and a $10 million fine.

By redefining human cloning as ''implantation'' rather than the creation of a new human being that would be then transferred into a uterus or a functional equivalent, this phony ban sanctions unlimited human cloning for research. Even more bizarre, under the bill, if a woman were to have a cloned human embryo implanted in her womb, she could go to jail for up to 10 years and/or be fined up to $10 million. Is that something we want to vote for? I think not. The plain language in the Weldon-Stupak cloning ban penalizes those who facilitate the creation of the clone—not the woman.

My colleagues, I am sure all of us are aware of the fact that a cloned human embryo will be indistinguishable from an embryo created using in-vitro fertilization. Dolly the Sheep looked just like every other sheep. How will this be enforced? If a woman is found carrying a cloned baby, are you willing to fine her and send her to jail for 10 years?

Mr. Speaker, the United States should join many countries, including Canada, Germany, Italy and France, in totally banning all cloning. The Democratic leadership should bring the Weldon-Stupak bill to the floor, instead of the DeGette pro-cloning measure.

Finally, what a difference a few years makes. In 2003, Ms. DEGETTE said, ''We are not and we do not support creating embryos for the purpose of research.'' This legislation begs the question. Apparently you do. Why aren't you bringing a total ban before this body?

I would point out when a similar bill to H.R. 2560 was brought to the floor as an amendment in the nature of a substitute by Congressman Jim Greenwood we voted it down 174–231. Charles Krauthammer wrote, and I think this is very insightful, that ''Greenwood,'' and read that now DEGETTE, ''is a nightmare and an abomination. It sanctions, licenses and protects the launching of the most ghoulish and dangerous enterprise in modern scientific history, the creation of nascent cloned human life for the sole purpose of its exploitation and destruction.''

I urge my colleagues, let's pass a real ban on cloning, not this phony ban.

Ms. DEGETTE. Mr. Speaker, I just would make two points toward the gentleman from New Jersey's comments. The first one is the Weldon-Stupak bill, which he says he supports, also would make it a crime for a woman to carry a cloned embryo in her uterus as a

pregnancy. Frankly, we think that cloning should be a crime. I am surprised to hear the gentleman say that he does not think it should be.

Secondly, the so-called Greenwood-DeGette bill from several sessions of Congress ago that he is referring to is a completely different bill than this bill today. People should probably read the legislation in front of them to see that all this bill does is make reproductive cloning illegal.

Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), a real leader on these issues.

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

□ 1250

Mr. LANGEVIN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2560, the Human Cloning Prohibition Act. In recent years, Congress has debated various means of banning human cloning. In an area that can be complex and confusing, I am pleased that this bill, which is exceptionally simple and straightforward, has come to the floor here today. Clearly some of my colleagues on the other side of this issue are among those who find it too complex and are confused. Hopefully we can clarify that before the vote today.

H.R. 2560 would make it illegal to use cloning technology to initiate a pregnancy and thereby create a cloned human being. The bill also includes strict penalties to insure that such an Act is prevented from taking place. Unfortunately, there seems to be some misinformation circulating among my colleagues and outside groups surrounding the implications of this bill.

I want to be very clear, this legislation in no way encourages or endorses therapeutic cloning, otherwise known as somatic cell nuclear transfer or any other type of research. On the contrary, this legislation will simply ensure that as technology advances, ethical safeguards are in place to keep human cloning, something we all agree would be a frightening development, from occurring.

For the record, there are no incentives included in this bill, not even any words of encouragement, for any specific types of research. This bill is a simple ban on human cloning once and for all.

Regardless of my colleagues' feelings on stem cell research or any other type of medical research, I cannot imagine why any of them would oppose a ban on human cloning.

Mr. Speaker, I hope all of my colleagues will take the time to understand what this bill does and what it does not do and why it is important and vote in favor of H.R. 2560.

Mr. PITTS. Mr. Speaker, at this time I would like to yield 5 minutes to a leader on this issue, the gentleman from Florida (Mr. WELDON).

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

This bill before us today entitled the Human Cloning Prohibition Act, is better entitled the ''Human Clone Implantation Prohibition Act.'' Essentially what it does is make it a crime to implant a cloned human embryo in the uterus of a woman.

While the gentlewoman from Colorado has said this is a very different bill from the Greenwood substitute, it is true if you sit down with the two of them and read them, they read differently; but the net effect, let's be serious, is the same. It is the goal pursued by many research scientists, who I assume do not ascribe to a belief in the sanctity of human life, that they want to begin experimentation on human embryos produced through the process of human cloning.

My position when we began debating this issue 5, 6 years ago, remains the same. There are a host of problems with this, not the least of which is that I and millions of Americans like me believe that human life is sacred and we should not be wholesale producing it to be experimented with in the lab and then discarded when the experimentation is done.

Are we really trying to say to the American people we want to make the human embryo the lab rat of the 21st century?

I will add, this is going to create a huge demand for human eggs. It has been very surprising to me to see so many people on the left who claim to be great champions of women's issues, it is going to create a lot of pressure for more human eggs. And the way you get human eggs, it is not a simple, overnight procedure. You have to give women a powerful medication that produces something called superovulation. It has the potential for complications, depression in some 25 percent of the women who get these drugs, possible significant complications requiring hospitalization called the superovulation syndrome.

And who will be donating their eggs to all these research labs? We all know who it will be, it will be women who really need the money. You will probably have problems and complications, suicides from depression. What will end up happening is they will end up going overseas to Third World countries where they can't bring litigation.

This is why many leaders in the feminist movement chose to support the Stupak-Weldon bill over this alternative. It is just down right bad policy.

Let me say as well, the lady said previously that the women could, under my previous bill, could be criminally prosecuted. I disagree wholeheartedly. I thought the language of the Stupak-Weldon bill was very clear, that the criminal act would be the creation of the human embryo through the process of somatic cell nuclear transfer. That is the way they created Dolly; that is the way this process begins.

Let me just say in closing, the process by which we have undergone this, when we were in the majority, we had committee hearings. We allowed a substitute. And to rush this to the floor on the suspension calendar is an inappropriate way for us to deal with a very, very significant issue.

This, ladies and gentlemen, is a profound slippery slope. They will not be satisfied with doing research on human embryos. The next target will be the human fetus itself, creating human models of disease so research scientists can do research on certain forms of human disease by doing research on human embryos and fetuses. That is the direction we are going, patenting some of those diseased human embryos.

I say this is a place where we should be drawing the line. We should defeat this on the suspension calendar. I believe if you brought it forward under regular order, it would go down under regular order, and I encourage all of my colleague to vote ''no'' on this piece of legislation.

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

Mr. PITTS. Mr. Speaker, at this time I want to yield 3 minutes to the distinguished ranking member of Energy and Commerce, the gentleman from Texas (Mr. BARTON).

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

Mr. BARTON of Texas. Mr. Speaker, I don't normally come to the floor to talk on suspension bills because normally, suspension bills have been cleared by the majority with the minority and they are bills that we have if not unanimous agreement on, we have general agreement on. But I feel very strongly about this particular bill and the way it is being done.

The gentlelady, who is the chief sponsor of the bill, the gentlewoman from Colorado (Ms. DEGETTE) is a good friend of mine. When I was chairman, I helped her and Mr. CASTLE bring to the floor the stem cell bill which was very controversial and which the President ultimately vetoed. I voted for that bill, and spoke for the bill on the floor. We had an arrangement between Mr. DINGELL and myself about how we were going to bring that bill to the floor. Ms. DEGETTE and Mr. CASTLE were part of that discussion.

This bill was introduced after 7 p.m. last night. JOHN DINGELL didn't call me. DIANE DEGETTE didn't call me. We can't find anybody from the majority who called anybody on the minority. There have been no hearings on the bill. There has been no markup of the bill. We just basically take the gentlelady's word that it is what it is.

We know that cloning is controversial. We know that most of us in this body are opposed to human cloning, for whatever purpose. There is a good chance if we had a legislative hearing, we had a markup, we could probably come to a consensus on a bill that Mr. WELDON could support and Mr. SMITH could support and Ms. DEGETTE could support; but not this bill. Not this process.

A bill is introduced at 7:30 one night and is on the floor of the suspension calendar the next day, there have been no hearings, no process, and you can't amend it because it is under suspension of the rules. I think that is a subversion of the process.

It is a way to give some Members a vote for political cover because tomorrow when the main stem cell bill comes up, which was noticed last week, the last time the stem cell bill was on the floor, the minority who has the right to offer a motion to recommit, part of the motion to recommit dealt with cloning, and some of the Members in the majority voted for it.

□ 1300

So this is a way for the majority to give some Members of their party a way to vote for a cloning bill so they can vote against the motion to recommit tomorrow, if that's what it is. So I understand the political strategy, but I don't understand the process of ignoring the Energy and Commerce Committee repeatedly, and I don't understand a bill as controversial as this being brought under suspension with no hearings and a bill that wasn't even introduced until after dark last night.

That's wrong. I hope we vote ''no,'' N-O, ''no.''

Ms. DEGETTE. Mr. Speaker, I continue to reserve.

Mr. PITTS. Mr. Speaker, may I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 5½ minutes remaining. The gentlewoman from Colorado has 9 minutes remaining.

Mr. PITTS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

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

The gentleman from Texas, the ranking member of Energy and Commerce, who just spoke from the well, he said it exactly right. This is a political ploy, bringing this bill up under suspension, in my opinion, Mr. Speaker, to give Members on the other side of the aisle the opportunity for cover on this bill, this Castle-DeGette legislation that's coming up tomorrow.

When King Solomon ordered that the baby be cut in half, Mr. Speaker, who knew that someone would actually take him up on the offer. And yet regrettably, this bill before us today, H.R. 2560, it aims to figuratively and literally cut the baby in half.

Supporters of this legislation claim that H.R. 2650 bans human cloning. This claim could not be further from the truth. If we really want to ban human cloning, then the gentleman from Florida (Mr. WELDON) and the gentleman from Michigan (Mr. STUPAK), in a bipartisan way, they have the right bill, and this was reintroduced by Representative WELDON last night. I'm a proud cosponsor of that. That bans human cloning for any purpose, reproductive or research.

I'm not impugning the motive of Representative DEGETTE, maybe it's inadvertent, and maybe hopefully she understands through this discussion today about the bill that, inadvertently, this promotes cloning for research purposes.

We believe, those of us who are part of the pro-life caucus, strongly believe that when you clone a human Dolly, that is a human being, and then you slice it and dice it to get stem cells and then it's required that you destroy it because it becomes a crime if it's implanted in a woman to become a child. Then we say that you are indeed creating life and destroying life, not maybe for the purpose of reproduction but for the purpose of research, and that is wrong.

And that is why we need to vote down this bill today, and I strongly oppose it.

Ms. DEGETTE. Mr. Speaker, we have no further speakers, and so we're prepared to close. And, with that, I reserve my time.

Mr. PITTS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I stand before this House and say that I oppose human cloning.

As a physician, I'm extremely concerned about the consequences of human cloning and all of its ramifications, but this bill doesn't ban human cloning, not as we all know it.

The author says, read the bill. Well, I would suggest to my colleagues, that is exactly what they ought to do, read the bill.

The definition on page 2 of human cloning says, ''The term 'human cloning' means the implantation of the product of human somatic cell nuclear transfer technology into a uterus or the functional equivalent of a uterus.'' It confines the definition to implantation. Cloning means to copy. Human cloning means to copy a human.

Dorland's medical dictionary definition of human cloning is, ''The transplantation of a nucleus from a somatic cell into an ovum which then develops into an embryo.'' It doesn't confine it to implantation, because implantation is the next step.

Cloning doesn't have to do with implantation. This is another, Mr. Speaker, in a long list of Orwellian democracy actions by this majority, saying one thing and doing another. This bill wouldn't ban human cloning at all.

What a shame, what a sham. I urge my colleagues to read the bill. I urge my colleagues to vote ''no.''

Mr. PITTS. Mr. Speaker, let me just say in conclusion that, as we all know, Dolly the sheep was a cloned animal. Let me remind you that Dolly the sheep was the 277th try. There were 276 before her who were defective and deformed and died. In fact, the history of cloning is replete with defects, deformity and death; and as they seek to create little human embryos for the purposes of research and experimentation and harvesting and death, we should remember this fact.

The researcher in South Korea that failed to identify what he was doing, Dr. Hwang, and his team obtained 2,000 eggs from over 100 women that they paid for their cloning attempts.

Human cloning exploits women. It ushers in an era of eugenics. It embraces a utilitarian view of humans. It involves the creation of little human embryos for research experiments. And for these reasons and all the reasons that are stated, I urge my colleagues to oppose this bill.

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

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

Well, I've been in Congress now 10 years; and some days I feel like I'm in Alice in Wonderland. Today happens to be one of them. Because when you listen to the arguments from the other side you'd never dream that the bill under consideration right now is a ban on human reproductive cloning.

Maybe I will start by talking about the status of the law in the United States today. Right now, in the United States, SCNT, somatic cell nuclear transfer, is legal. It is legal today, and there is nothing about H.R. 2560, the Human Cloning Prohibition Act, that changes that or alters it in any way.

We hear the other side talking about egg farms and forcing women to donate eggs and all of that. If that was going to happen, it would be happening today because this bill does nothing to stop the status of current law on SCNT or therapeutic cloning.

What we do have happening today, however, is there are some unethical scientists who are trying to do reproductive cloning. They are trying to take the results of SCNT, implant them in women's uteruses and create cloned human beings.

I just heard my colleague from Pennsylvania talking about Dolly the sheep and all of the failed attempts with animal cloning before Dolly the sheep. He is absolutely right. It is a terrible problem, and that is why it is reprehensible and immoral to try to clone human beings. That is also why we need to make it illegal in this country.

He also talked about the example of South Korea, and he's also absolutely right about South Korea. There was an unethical researcher in South Korea who, with no ethical standards or controls, tried to make experiments and lied about the results.

By the way, that's why we need to pass S. 5 tomorrow, because currently in this country there are no ethical controls either over embryonic stem cell research or SCNT research, controls which we could really use in this country, and they certainly could have used in South Korea, but that's all sort of aside from the point.

The point is, right now, in this country it is not illegal to clone a human being for reproductive purposes, and there's a national consensus that it should be.

□ 1310

I do want to apologize to my ranking member, Mr. BARTON, about the process. Perhaps there should have been notice. But the truth is, there is a consensus on reproductive cloning.

This is a simple bill, and we have tried, over the years in Congress, to ban reproductive cloning. The reason we haven't been able to do it is because the other side gets up and makes all of these false arguments, which then complicate the situation, and we have not been able to ban reproductive cloning. We felt that under a suspension calendar, with a clean vote and a simple bill, it would work.

For people who try to say, well, somehow this is going to cause more problems, I can't believe that they would support reproductive cloning. I can't believe that the opponents of this bill would actually vote against a bill that bans reproductive cloning. I can't believe that they would say they think that we would encourage reproductive cloning in this country.

I would tell my colleagues on both sides of the aisle, this vote will be a clear vote today. The vote will be, do you oppose human reproductive cloning and think that it should be a Federal crime in this country, or are you in the pocket of the special interests who will make any argument because they don't think this bill goes far enough to ban other types of research, which are legal right now in this country and for which the results which they fear have not happened to date.

I will say, let's make the clear statement in Congress. Let's stand up for our constituents. Let's ban reproductive cloning today. There is no Member of Congress who supports human reproductive cloning, which is exactly what this bill prohibits.

Vote ''yes'' on H.R. 2560, and then we can have the rest of this debate tomorrow on S. 5.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in support of H.R. 2560, the ''Human Cloning Prohibition Act of 2007.''

This legislation, offered by my colleague, Representative DEGETTE, specifies that it is illegal to utilize cloning technology for unethical purposes.

The bill text defines human cloning as the implantation of the product of human somatic cell nuclear transfer technology into a uterus.

In my view, H.R. 2560 would allow important stem cell research to be done in an ethical manner.

However, it specifies criminal penalties for individuals who do attempt to clone humans.

Mr. Speaker, as a nurse and long-time member of the Committee on Science and Technology, I have long advocated for federal resources to be used to support stem cell research.

After careful review of the bill text, I feel that this is a sound piece of legislation that does what it says it will do—prohibit stem cell technology from being used unethically to ''clone'' human beings.

I urge my colleagues to support H.R. 2560.

Mr. SPACE. Mr. Speaker, I rise today in support of H.R. 2560.

Mr. Speaker, I am a fervent supporter of the promise and optimism of embryonic stem cell research. As the father of a child who suffers from juvenile diabetes, I know full well the importance of stem cell research in developing a cure for life threatening diseases. For millions of Americans like my son, stem cell research represents promising hope of a cure within their lifetime.

Unfortunately, many Americans confuse embryonic stem cell research as human cloning, a practice which I adamantly oppose.

While technological advances continue to give scientists opportunities to explore beyond our horizons, we have an obligation to pursue our goals responsibly. The pursuit of science cannot go unchecked; occasionally, Congress must intervene.

The artificial creation of human life through cloning challenges the ethical foundations of this Nation. The development of human life is a natural process that cannot be replaced by scientists in a laboratory. I cannot in good conscience support a world where the chance and wonder of the birth of a child is eliminated in favor of a cold, sterile process.

Embryonic stem cell research differs from cloning by developing embryos that might otherwise be destroyed for specific functions. The goal of this practice is not to create new human life, but rather to sustain existing human life by replacing failing parts of the human anatomy.

I will always support saving an American life. I cannot support artificially engineering one.

The importance of this distinction is critical. I hope that my colleagues in the House will join me in educating the public on the differences between these practices.

Mr. LAMBORN. Mr. Speaker, I rise today in opposition to H.R. 2560. The purpose of government in free societies is to protect basic human rights, the most important of which is the right to life. It is because of the need to protect that right to life that I oppose this bill. Misnamed ''The Human Cloning and Prohibition Act,'' H.R. 2560 purports to ban human cloning.

I wholeheartedly agree that human cloning should be outlawed. Yet the term ''cloning'' in this bill does not refer, as it normally does, to the simple act of creating a viable human embryo. Here the word cloning refers only to the implanting of a cloned embryo in a uterus and not to anything that precedes implantation. This bill is silent about and so condones the experimentation upon and destruction of human embryos prior to implantation. Even prior to implantation a human embryo has the entire genetic makeup of a new human being and is worthy of protection.

Those of us who seek to defend life at all stages have long argued that embryonic research would initiate a downward spiral for the sanctity of human life in this country. The government of the greatest nation in the world cannot treat human life as an expendable resource and allow taking the life of its most vulnerable citizens. I urge my colleagues to oppose this bill and to support Representative WELDON's ethical and moral alternative, H.R. 2564, of which I am a cosponsor.

Ms. DEGETTE. 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 Colorado (Ms. DEGETTE) that the House suspend the rules and pass the bill, H.R. 2560.

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. PITTS. 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.

PROVIDING FOR CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 453 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 453

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Notwithstanding clause 11 of rule XVIII, no amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 2446 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. MCGOVERN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman

from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of this rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. MCGOVERN. Mr. Speaker, I also ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 453.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 453 provides for consideration of H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007 under a structured rule that makes in order all of the amendments that were submitted to the Rules Committee, except for those withdrawn by their sponsors.

I want to acknowledge and express my respect for the work of Chairman LANTOS and Ranking Member ROS-LEHTINEN for bringing such a fine example of bipartisan cooperation and collaboration before the House for consideration.

Following the ouster of the Taliban regime in late 2001, the United States, the United Nations and the international community embarked on what they hoped would be a comprehensive assistance program to help the new Afghan president, of President Hamid Karzai, establish a new democracy, rebuild the Afghan economy and provide for the general well-being of the Afghan people.

Regrettably, after a most promising start, progress has slowed in most parts of the country. Remnants of the Taliban continue to resist the new government and are reorganizing and strengthening their networks from neighboring countries. Instability has increased, including the introduction of suicide bombings against U.S. soldiers, NATO troops, Afghan officials, and civilians and international and Afghan humanitarian aid workers.

Narcotics production threatens to overwhelm the country. According to UN studies, a large percentage of Afghans, including farmers, laborers, traffickers, war lords, insurgents, and officials participate in and benefit from illegal poppy trade.

Congress first addressed the issue aiding Afghanistan by passing the Afghanistan Freedom Support Act of 2002, which established a reconstruction program, mandated a relief coordinator, provided support to the NATO-led international security forces, and gave new security assistance authority to our President.

In addition to food aid, refugee relief and other forms of emergency disaster assistance, the United States implemented a wide-ranging assistance program for Afghanistan, including aid for schools, hospitals and farms, and support to reestablish the participation of women and girls in society, education and the workplace.

The legislation the House will take up today, H.R. 2446, reauthorizes programs created by the original Afghanistan Freedom Support Act, creates a new focus on counternarcotics efforts, and provides for stronger and more enhanced oversight of U.S. strategic goals and performance in Afghanistan.

Overall, H.R. 2446 provides modest increases in authorized levels for humanitarian, development, democracy building and security assistance. I cannot stress enough how important it is that Afghanistan succeed in establishing and consolidating a representative government and rebuilding the country's economy and civil society.

When we overthrew the Taliban regime, we made promises to the Afghan people with the full backing of the international community. We cannot renege on those promises. We cannot fail the people of Afghanistan who came together in support of a common vision for the future.

I am very, very concerned that many of the difficulties confronting Afghanistan today, especially in the areas of security, are due in large part to taking our eye off the ball in Afghanistan and exhausting our economic and military resources in Iraq. We had the chance to make Afghanistan secure. We failed to do so because we chose not to invest the necessary resources in Afghanistan, but, rather, to transfer our attention and our resources to Iraq. We are now playing catch up in Afghanistan as the situation there is deteriorating.

I applaud the chairman and members of the Foreign Affairs Committee for this timely reauthorization.

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

□ 1320

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I'd like to thank the gentleman from Massachusetts (Mr. MCGOVERN) for the time; and I yield myself such time as I may consume.

As we all know, Mr. Speaker, after the defeat of the Soviet Army in Afghanistan, the brutal Taliban took over the country. The Taliban ruled that country through terror, through systematic assassination, torture, intimidation. They denied Afghans all personal freedoms and made women fifth-class citizens. They also provided safe harbor to Osama bin Laden and al Qaeda. It is from that safe harbor that al Qaeda was able to plan and train for the horrendous attack of September 11, 2001, against the United States of America.

Following the fall of the Taliban, due in large part to the heroic assistance of the United States Armed Forces and coalition forces from many, many countries throughout the world, the international community worked together under the auspices of the Bonn Compact to make possible what was really a wonderful, historic accomplishment, a democratically elected government in Afghanistan.

In 2004, Afghanistan adopted a new constitution and held successful presidential elections. Parliamentary elections followed in 2005. Factions that once fought on the battlefield now, after decades of violence, debate and resolve their differences in parliament with ballots instead of bullets.

However, Mr. Speaker, there are remnants of the former Taliban regime, along with al Qaeda, that are intent on overthrowing the democratically elected government of Afghanistan. The Taliban is using suicide bombings against U.S. and NATO troops, against Afghan officials, against civilians, both international and Afghan humanitarian workers, assistance workers.

Opium poppy cultivation and drug trafficking have become significant negative factors in Afghanistan's fragile political and economic order. Afghanistan currently accounts, unfortunately, for a majority of the world's illicit opium production.

As the democratically elected government faces grave challenges, we must not turn our backs on that young democracy. We must continue our support as that country moves from a brutal dictatorship to a consolidated democracy.

In 2002, this Congress passed the Afghanistan Freedom Support Act. That law provided both economic and military aid to the young Afghan democracy.

This legislation will reauthorize the Afghanistan Freedom Support Act through the year 2010. The programs reauthorized in this bill focus on countering narcotics production and boost security efforts to protect United States and NATO forces as well as Afghan officials and international assistance workers. This legislation calls for the President to set out a detailed strategy for Afghanistan and provide reports on progress there.

The Afghanistan Freedom and Security Support Act of 2007, this legislation that we bring to the floor today, builds on congressional initiatives enacted in 2002 and 2004; and I again congratulate the leaders, who in those Congresses back in 2002 and 2004, worked so hard to ensure that these initiatives that are being reauthorized today were passed. And these initiatives now are, as I say, reauthorized in this legislation, H.R. 2466, that will be before the House today.

Among those initiatives passed in 2002, 2004 are the creation of multiple programs, but this legislation calls for the creation of a coordinator role for the development of a coherent, consistent counter-narcotics strategy, and to strengthen the fight against the drug trade's links to totalitarian Islamic terrorism.

We also insured in this legislation that initiatives passed in 2002 and 2004 continued, such as prohibition on assistance to Afghan officials who are

found to be supporting criminal activities such as narcotics trafficking.

This bill, good legislation, Mr. Speaker. This bill reaffirms the commitment of the United States to support Afghanistan in its transition to a stable, representative democracy.

This bill, good legislation, Mr. Speaker, that we bring to the floor today, authorizes the appropriation of $1.7 billion annually for humanitarian and economic assistance and $320 million annually for military assistance during fiscal 2008 to 2010.

This is important legislation. It's important legislation for the fight against the international drug trade and totalitarian Islamists, dangerous remnants of the defeated Taliban, the Taliban who were overthrown, thank God.

Remnants of the Taliban are festering, and they use deadly tactics against United States and NATO forces, as well as Afghans and humanitarian workers. Those people have no scruples, and we only have to remember, Mr. Speaker what they did to the Afghan people when they were in power. So they use horrendous tactics, brutal tactics without limits against our troops and other international forces that are in Afghanistan pursuant to the request of the democratically elected government to secure the peace.

And, furthermore, Mr. Speaker, poppy cultivation and opium production continue to directly support insurgents, militias and terrorist groups. In the face of these very difficult challenges, we cannot allow that fledgling democracy, that budding democracy striving to be a stable society, to fail.

With regard to process, our friends on the other side of the aisle, again, the majority had another opportunity yesterday in the Rules Committee to open the process and comfort with an open rule. They voted down an amendment by our ranking member of the Committee on Rules to bring this legislation forth under an open rule. Yes, they made in order all of the amendments that were presented before the committee, and that's commendable. But why not come forth with an open rule? I think that was disappointing.

Let's not fail to see, however, Mr. Speaker, that this is, this underlying legislation that's being brought forward is extremely important. It's a very important piece of legislation.

And by the way, with regard, again, to process, precisely since it's such an important project that as a Nation we're working on and there's great national consensus on the need to do everything we can to consolidate, to help consolidate the representative democracy and the peace in Afghanistan, precisely I think there would have been no harm in allowing, as this debate proceeds, to allow any Member who's hearing the debate who has an idea for an amendment to bring it forth. That's why an open rule is appropriate.

I'd like to thank, Mr. Speaker, the chairman, the distinguished chairman of the International Relations Committee, Mr. LANTOS, for his hard work on this important facet of our foreign policy and the legislation that's being brought forth today, as also the distinguished ranking member, Ms. ROS-LEHTINEN, who's also worked very hard on this legislation, and other members of the International Relations Committee. I want to thank them for their hard work on this important issue, which constitutes, as I said, a project where the American people, in consensus fashion, are moving forward and doing everything possible so that our friends and allies in Afghanistan can survive and defeat the brutal Taliban and al Qaeda.

□ 1330

This legislation brought forward today is an important bill. It is of the utmost importance to our national security and obviously to the region where Afghanistan is and, of course, to the people, to the noble people of Afghanistan, as they continue their efforts to consolidate their representative democracy and achieve peace and prosperity in their great country.

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

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

Let me just say that, again, the underlying legislation is incredibly important. We do have an obligation, a moral obligation, to the people of Afghanistan. And, quite frankly, from a national security perspective, that is where our attention should be and where our attention should have been. It is regrettable, it is regrettable that the President of the United States and his administration and many in this Chamber have chosen to take their eye off what our responsibility is in Afghanistan over these last several years, and instead, we find ourselves bogged down in a quagmire in Iraq.

Those who are responsible for September 11, those who are responsible for the murder of so many of our citizens, they were in Afghanistan. That is where al Qaeda was. And instead of holding al Qaeda accountable in Afghanistan, instead of making sure that our resources go to promoting democracy and stability in Afghanistan, instead of focusing on this ever-growing drug problem in Afghanistan, we have spent over half a trillion dollars in Iraq. And that is regrettable. And, quite frankly, when history looks back on how these last few years were conducted, they are going to take note of the fact that we missed important opportunities to better protect our country by taking our eye off of what our responsibility was in Afghanistan.

And let me just say about the rule, I will apologize to my colleague from Florida for a rule that we bring to the floor today that makes every single amendment that was offered in the Rules Committee and not withdrawn by its author in order. Every Republican amendment, every Democratic amendment. And I know that that is different from the way things used to be when the Republicans were in charge of the Rules Committee. They had a tendency to just shut us all out routinely. But things are different now, and under the Democratic administration here in the Congress, we are trying to make sure that all points of view have an opportunity to be heard on the floor.

So I am happy that we have this rule, and, again, I apologize to the gentleman that it is not like what they used to do.

With that, Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Vermont, a member of the Rules Committee (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, in April, I had the opportunity to join five of my colleagues on a delegation trip to Afghanistan. And our six-member delegation, three Democrats and three Republicans, spent 2 days in Iraq, 2 days in Afghanistan. And we had an opportunity to speak with American, Iraqi, Afghani soldiers; military leaders; security forces; government leaders; and civil servants. And at every turn in our trip, we encountered these extraordinary men and women from our country that are doing incredible work in very dangerous and trying circumstances. And I had the opportunity to meet troops from my State as my colleagues met troops from their States, and all of us were incredibly proud at the selflessness of these troops who are performing the missions that we have assigned to them.

But the circumstances in each country and each war are very different. Iraq is in a full-blown civil war. The British, our last remaining significant ally in Iraq, will soon withdraw, and American forces are now viewed as occupiers. The situation is much different in Afghanistan. And I came away, as did my colleagues, with the clear impression that there is will on the part of Afghani leaders to step up and to take control of their future.

In Afghanistan, we have 37 allied nations joining with us to help the Afghanis drive out the Taliban and to restore order and to create a future for that country.

In fact, the differences between these two situations in Iraq and Afghanistan was best summed up by three soldiers I spoke to who had completed full tours in Iraq and Afghanistan. And I asked, What is the difference in your experience? And the soldiers said, In Iraq it seems as though everyone is interested in fighting each other and us. In Afghanistan everyone is interested in fighting for their future.

What this legislation recognizes is that we have partners, 37 other nations, working with us in Afghanistan, and we have a partner, the government and people of Afghanistan, in our effort to restore order and to create a future for that country.

H.R. 2446, the Afghanistan Freedom and Security Support Act, reinforces the United States' long-term commitment to support Afghanistan in its efforts to confront its challenges and to complete its transformation into a secure and prosperous future.

This bill enhances the narcotics operations. More importantly, it provides incentives to encourage greater participation from our NATO allies in the International Security and Assistance Force. If we have learned anything, it is that we have got to work together and not alone.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from Massachusetts' kind words. What I had been referring to before with regard to the process is that I don't believe that any harm would have been done if the majority would have kept its promise of open rules. It is the majority that promised during the campaign that they were going to bring a significant amount, as many as possible, of bills to the floor under open rules. And this is a noncontroversial bill, and, yes, they made the amendments in order by the Members who went to the Rules Committee, and that is appreciated.

So what harm would it have caused if this legislation would have been brought forth under an open rule, as was proposed, in amendment form, by the ranking member of Rules? That is what my point was. No harm would have been done.

And, simply, I would like to remind the majority of the promises that the majority made during the campaign of bringing forth legislation under open rules. So I don't believe that any harm would have accrued if they would have kept their promise. That's all.

But with regard to the apology, I certainly appreciate the gentleman from Massachusetts' kind words, Mr. Speaker.

And, again, with regard to this underlying legislation, which is of extreme importance, there is a national consensus in the United States that we not only have an obligation, but we must do everything in our power so that the democratically elected government in Afghanistan survives, and that is what this legislation is about. We will have other continuing debates on nearby countries and what our obligations are or what is, rather, in our national interest with regard to the stability in neighboring countries of Afghanistan as well and in trying to prevent neighboring countries from becoming basically safe harbors for international terrorism.

□ 1340

Those are legitimate debates.

Today, the legislation being brought forth, Mr. Speaker, is one where there is a national consensus in the United States, thank God, fortunately, and that is that with regard to that country that was for so long oppressed by the brutal Taliban and that had given sanctuary to the terrorists that carried out the mass murders of September 11, 2001, against the United States of America, that we certainly have an obligation to do everything we can to make certain that the people of Afghanistan have as much ability, that they have the wherewithal to proceed along a path towards a consolidated, representative democracy in peace and with prosperity.

That is why we agree that this legislation is very important; and it reauthorizes critical programs, programs of critical importance with regard to our assistance to Afghanistan that were authorized initially and appropriated by the Congress of the United States in 2002 and 2004.

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

Mr. McGOVERN. Mr. Speaker, again, I regret that my colleagues on the other side of the aisle are not pleased with the rule that makes all of the amendments that were offered in order, but I think that that is the way we should do business around here. It is in sharp contrast to the way they used to do business when the Republicans were in the majority, where there was a tendency to shut everything down, to close everything up, to not allow Members of the minority to be able to have amendments. But we're different, and I'm glad we are different.

On the underlying legislation, there should be unanimity in this House about the importance of passing this legislation. It is important that we keep our commitment to the people of Afghanistan. It is important that we keep our commitment to the people of the United States, who after September 11 we said, in the Congress and in the White House, that we are going to do everything we can do bring to justice, to hold to account those who are responsible for September 11.

Unfortunately, today, we are not anywhere near where we should be in Afghanistan; and the reason for that is because we have diverted our resources, we have diverted our soldiers and our political capital to a never-ending war in Iraq. We have put our soldiers in the middle of a civil war in Iraq. We have spent over half a trillion dollars in Iraq; and, as a result, those resources have not been sent to Afghanistan; and I think that is regrettable.

But we need to pass this bill today. I hope it passes with a unanimous vote. I urge my colleagues to support the rule.

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

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

The previous question was ordered.

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 453 will be followed by 5-minute votes on the motion to suspend the rules and pass H.R. 1716, the motion to suspend the rules and pass H.R. 632, and the motion to suspend the rules and pass H.R. 964.

The vote was taken by electronic device, and there were—yeas 220, nays 195, not voting 17, as follows:

[Roll No. 431]

YEAS—220

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

NAYS—195

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

NOT VOTING—17

Baca
Becerra
Cantor
Conyers
Davis, Jo Ann
Hastings (FL)
Holden
Hunter
Jefferson
Meek (FL)
Nadler
Pallone
Pickering
Shuster
Tancredo
Waxman
Welch (VT)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1408

Messrs. HASTERT, LINDER, TERRY, GOODLATTE, DENT, KIRK, SAXTON, GINGREY and ROYCE changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GREEN ENERGY EDUCATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1716, 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 Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 1716, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 16, as follows:

[Roll No. 432]

YEAS—416

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

NOT VOTING—16

Baca
Becerra
Cantor
Conyers
Davis, Jo Ann
Hastings (FL)
Holden
Hunter
Jefferson
Nadler
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Welch (VT)

□ 1417

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.

PERSONAL EXPLANATION

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, on rollcall Nos. 431 and 432 I am not recorded. Had I been present, I would have voted "yea."

H-PRIZE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 632, 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 Illinois (Mr. LIPINSKI) that the House suspend the rules and pass the bill, H.R. 632, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 8, not voting 16, as follows:

[Roll No. 433]

YEAS—408

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

NAYS—8

Blackburn
Culberson
Duncan
Flake
Foxx
Manzullo
Paul
Royce

NOT VOTING—16

Baca
Becerra
Boyda (KS)
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Nadler
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1424

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.

Stated for:

Mrs. BOYDA of Kansas. Mr. Speaker, on rollcall No. 433, I was meeting with constituents in the Rayburn Room. Had I been present, I would have voted "yea."

SECURELY PROTECT YOURSELF AGAINST CYBER TRESPASS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 964, 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 Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 964, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 48, not voting 16, as follows:

[Roll No. 434]

YEAS—368

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Bachmann
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
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Shuster
Tancredo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1431

Mr. GOODLATTE and Mr. DANIEL E. LUNGREN of California changed their vote from ''yea'' to ''nay.''

Mr. HALL of Texas and Mr. BURTON of Indiana changed their vote from ''nay'' to ''yea.''

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.

PERMITTING AMENDMENT NO. 11 TO BE OFFERED AT ANY TIME DURING CONSIDERATION OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that during consideration of H.R. 2446 in the Committee of the Whole, pursuant to House Resolution 453, amendment No. 11 be permitted to be offered at any time.

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

There was no objection.

GENERAL LEAVE

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2446.

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

There was no objection.

AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2446.

□ 1436

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, with Mr. ROSS in the chair.

The Clerk read the title of the bill.

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

The gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Chairman, I rise in strong support of H.R. 2446 and yield myself as much time as I may consume.

Mr. Chairman, the Taliban is back, posing not only an insidious threat to the people of Afghanistan but to our Nation as well. We simply cannot allow a resurgence of the Taliban. If we do, al Qaeda will once again be able to use Afghanistan as a state-sponsored launching pad for terror.

And so every schoolhouse door in Afghanistan is a threshold to stopping terrorism. Every new power line in Afghanistan is a frontline in the war on terror. Every farm in Afghanistan used for legitimate crops, instead of opium poppies, is fertile ground for peace.

So we ought to look at funding Afghanistan as both good foreign policy and good domestic policy. Every dollar we invest now translates into lives and dollars we save in the future, both in Afghanistan and in the United States.

Our initial efforts, Mr. Chairman, in Afghanistan must be redoubled. For that reason, it was my pleasure to join with the ranking Republican member of the Foreign Affairs Committee, my good friend, ILEANA ROS-LEHTINEN of Florida, in introducing this crucial reauthorization bill, which clearly demonstrates our long-term, bipartisan commitment to Afghanistan.

Our job in Afghanistan is not finished, not by a long shot. Yes, the Taliban was seemingly purged from that Nation in 2001 and a democratic government was established in its place, but we must not have a false sense of security.

The effectiveness and very existence of the Karzai government is threatened as we meet here today. As we speak, the volatile southern part of Afghanistan is aflame with clashes between NATO coalition troops and the reorganized forces of the Taliban. Make no mistake: Afghanistan is a brush fire that could ignite easily into an all-out conflagration.

Recently, Mr. Chairman, there has been an alarming return to the reign of terror against women in Afghanistan. Just today we learned of the slaying of a pioneering advocate of free speech, a courageous woman who owned a radio station near Kabul, shot to death in her home. This brutal attack shows how difficult the working environment has become for journalists, especially for journalists who are women.

So the Afghans need our help as much as ever. The teetering situation there is an echo of the instability just after the United States and our allies invaded that country. Security for the people and stability of the government are paramount.

Let me sketch, Mr. Chairman, the basic outline of our bipartisan legislation. The first title of the Lantos/Ros-Lehtinen bill provides much-needed financial aid for health care, energy development, programs for women and girls, assistance to combat corruption, and a crop substitution program to curtail the growing of poppy. Under this section of our bill, the administration will be required to certify whether any senior official in Afghanistan's provincial or local government is involved in the illegal narcotics trade and to take appropriate action.

Our bill also requires the President to appoint a coordinator for our Afghanistan assistance programs, including counter-narcotics. We mandate accountability in the effort to eliminate narcotics corruption.

Title II of our bill bolsters security and policing in Afghanistan, supporting the international security

force beyond October, 2007, and further training the Afghans. It encourages greater participation from countries in the region, and it mandates the creation of special drug interdiction teams.

We must recognize, Mr. Chairman, that security in Afghanistan is inextricably intertwined with the fight against the narcotics trade.

Title III of our bill ensures greater planning and accountability for the future of the country, and it fosters regional coordination. A structured blueprint for 2008 will be required, with updates as necessary. Reporting and evaluation measures will be expanded and extended. These are all crucial provisions for meeting benchmarks and assessing progress so that Congress can perform the oversight that is important to our successful effort in a war-torn country.

I want to repeat, Mr. Chairman, we will not let Afghanistan fail. The world is watching, and it wants to know whether we have the resolve to fight the terrorist forces threatening Afghanistan, whether we are ready to maintain the country's security and stability.

Mr. Chairman, the Committee on Foreign Affairs approved our bipartisan legislation unanimously. I want to repeat this because it indicates the unanimous conviction of the Foreign Affairs Committee, reflecting the view of this body and the American people, that Afghanistan will be a successful endeavor.

I want to express my appreciation for the support of not only the ranking member, Ms. ROS-LEHTINEN, but also the chairman and ranking member of the Subcommittee on the Middle East and South Asia, Mr. ACKERMAN and Mr. PENCE.

I urge all of my colleagues on both sides of the aisle to join us in strongly supporting this most important piece of legislation.

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

□ 1445

Ms. ROS-LEHTINEN. I thank the chairman of our committee, Chairman LANTOS, for his leadership for so long on this issue.

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

I would like to voice my strong support for the chairman's bill, H.R. 2446, the Afghanistan Freedom and Security Support Act, and that's the key part of what we're talking about today, security support. This legislation is the product of the bipartisan cooperation that our committee has shown on an issue of critical importance to the United States and our allies in the war against Islamic militant extremists.

Five years ago, our Nation experienced a terrible tragedy, and it led our Nation to destroy the al Qaeda safe haven in Afghanistan that the brutal Taliban regime had created there. Our focus was to provide a safe, stable and secure Afghanistan that would deny global jihadists a base of operations to conduct their campaign of terror and destruction against our Nation and our critical security interests around the world.

Since then, Afghanistan has taken notable steps to emerge from decades of war, of violence, of oppression, toward a prosperous, secure, free, democratic nation. Today, over 5 million Afghan children are in school, including 2 million girls. This was prohibited under the Taliban rule. Hundreds of clinics and new schools are now open to serve the population as a result of international efforts. Media, cultural, business and political leaders are free to meet to discuss, to demonstrate and to guide policies that are transforming their nation across all sectors.

The Afghan economy is growing at an incredible rate, and institutional assistance for Afghan economic reconstruction has been forthcoming. Most importantly, the Afghanistan people, through their active direct participation in the political process, have demonstrated their desire to accelerate and ensure the movement of Afghanistan toward modern society.

However, challenges to these and other efforts remain, as Mr. LANTOS has pointed out. A dramatic increase in illicit opium cultivation is financing and strengthening the Taliban and anticoalition activity. It's increasing crime and corruption, and it is eroding the authority of the central government institutions.

Afghanistan's ballooning drug trade has succeeded in expanding the ranks of the Taliban. It is no coincidence that opium and heroin production dramatically increased at the same time that the Taliban-staged massive counteroffensive, particularly in the south of the country.

The issue of Taliban and al Qaeda resurgence cannot be considered in a vacuum. In response, this critical legislation seeks to address the current situation in an integrated fashion, to include the confluence of the short-term goals to reduce opium activity and related corruption, while addressing longer-term developmental goals which have an impact on our counterterrorism and our counternarcotics policies and objectives.

In particular, within this critical legislation, we have worked to establish the means for developing a long overdue and coherent interdepartmental and counternarcotics strategy that addresses the deadly and the neglected illicit drug trade and its links to radical Islamic terrorism that imperil the future of Afghanistan.

In February of this year, I, along with some of my other colleagues on the Foreign Affairs Committee, wrote to the administration on the need for an across-the-board policy change on the illicit drug threat fueling the resurgence of the Taliban, the attacks on our coalition troops, and official corruption in Afghanistan.

The bill before us incorporates many of the recommendations that we proposed in this letter, and I thank Chairman LANTOS for working so closely with us. I believe that his bill will prompt much-needed changes by mandating the appointment of a high level, interdepartmental Afghan coordinator with emphasis on a development of a coherent government-wide counter drug policy. This includes bringing the U.S. military into the fight, providing meaningful support for the drug enforcement administration with an emphasis on interdiction and on the extradition of major drug kingpins.

This legislation also contains limitations on assistance to senior Afghan local and provincial government officials who, based on evidence, are found to be supporting Islamic terrorist activities or narco-traffickers or drug producers or are involved in other criminal activities. This important oversight provision will be instrumental in assuring that vital U.S. reconstruction assistance is properly allocated and utilized.

I am also pleased that we were able to come to an agreement with Chairman LANTOS on the extension of drawdown authority for military equipment, which promotes greater ability to operate with the international security assistance force and other allies in the country of Afghanistan.

In addition, the bill ensures that there will be prevetting of the recruits of the Afghan police to help adequately assess the candidates' aptitude, professionals skills, integrity and other qualifications for law enforcement work before they enter the service. Our efforts in Afghanistan, in particular, and our campaign against militant Islamic extremists in general must be pursued in a comprehensive manner.

As illustrated by this critical legislation, it requires an effective and unified reconstruction strategy with a unified counternarcotics strategy, counterterrorism strategy, and an Afghan government committed to fighting and eliminating corruption.

Only with this comprehensive approach will we accelerate economic development and reconstruction, improve the quality of life for Afghanistan and address the underlying conditions that fuel extremist acts and decisively defeat the jihadist elements that want to once again control Afghanistan.

My daughter-in-law, Lindsay, after serving her military tour in Iraq as a marine pilot, is now serving in Afghanistan. We hope that she will be back home with us by Thanksgiving. But we thank every brave man and woman who is wearing our Nation's uniform in Afghanistan, and we thank them for freeing an entire population, and we hope that their contributions will always be celebrated in this House.

This bill before us brings us closer to making sure that Afghanistan remains a free country and be without the extremist Islamic elements that seek to destroy it.

Mr. Chairman, I reserve the balance of our time.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 3 minutes to the distinguished chairman of the Armed Services Committee, my good friend from Missouri, IKE SKELTON.

Mr. SKELTON. I thank the chairman for allowing me to speak on this very important subject.

Mr. Chairman, for too long, Afghanistan has been the forgotten war. Opportunities there have been lost, and progress has been limited. Recently, there has been movement in a more positive direction.

Secretary Gates has been focusing more on Afghanistan and NATO-led and U.S. forces achieved some notable successes against the ongoing Taliban insurgency this spring. This, of course, is encouraging. I commend Secretary Gates for his efforts, and, of course, I commend our troops for their tremendous contributions.

However, over the same time, violence is on the rise in Afghanistan. Roadside bombs, suicide attacks are increasing, and the number of civilian casualties is, of course, troubling. Opium production is at high levels. The authority of the central government remains, of course, limited. Corruption and poverty still plague the country. These are significant challenges that will not be overcome either easily or quickly.

Lasting security in Afghanistan depends on long-term comprehensive efforts that, of course, are well coordinated. It is critical that our NATO partners who are there play a central role in this effort in terms of both troop contributions, as well as aid.

Earlier this year, I traveled to Afghanistan with a delegation led by Speaker PELOSI. I came away from that trip convinced that the effort in Afghanistan is winnable, and I am still optimistic.

But together with NATO, we must ensure that the Taliban and al Qaeda are destroyed and destroyed for good. Afghanistan will never again become a terrorist harbor as it once was.

The House Armed Services Committee, which I am pleased to chair, is committed to doing whatever it can to achieve this goal. Our committee has held comprehensive hearings on Afghanistan this year.

Just recently, in the defense bill that we passed, we had provisions regarding Afghanistan. This bill not only provides funds for Afghan national security forces, but it includes a range of provisions that will promote long-term security, as well as robust oversight of American activities in that country.

I am pleased to see that the Afghanistan Freedom Support Act builds upon our committee's efforts. This legislation includes many important bipartisan provisions that will further advance long-term security in Afghanistan.

I strongly encourage my colleagues to support this. We must build on recent gains in that country and seize the moment to establish real security there.

I do support this legislation.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield such time as he may consume to Judge POE of Texas, a great member of our Foreign Affairs Committee.

Mr. POE. I thank the gentlelady from Florida for yielding time.

Mr. Chairman, I was a prosecutor and a judge in Texas for 30 years total, and I can tell you that I saw the results of poppy and opium fields in my courtroom. Opiates make victims out of capable, independent citizens, and they turn decent people into monsters, and I have seen it with my own eyes. Case after case after case.

Illicit drugs take complete control of people's lives, and they are now strangling the democracy in Afghanistan. Opiates not only poison Americans, the poppy trade funds our enemies. The Taliban, or more appropriately, those demons in the desert, are getting rich off of the poppy fields, and they are using that money against American troops and NATO troops.

They are using their wealth to become more numerous, more organized, and more deadly to the military of NATO and the United States. They are promoting intolerance and propping up evil and propelling Afghanistan really back toward the dark ages to a fundamentalist rule.

In the 2005 and 2006 growing season, poppy production in Afghanistan actually grew to almost 60 percent. That resulted in a net growth of almost 50 percent in the production of illicit opium, and all the profit from this drug trade lined the pockets of our enemies, the Taliban. Those poppy fields are growing like weeds, and they are choking Afghanistan's freedom. Also, those narcotics are eventually choking the lives out of many Americans addicted to opiates.

The administration, I know, recognized the importance of counternarcotics operations. However, judging from the rapid spread of the poppy production in Afghanistan, it's evident that whatever we are doing is not working. The time has come for a clear and comprehensive and truly widereaching counternarcotics strategy in Afghanistan.

That is why I rise in support of this bill, the Afghanistan Freedom and Security Support Act. This bill does numerous things, but it specifically provides a comprehensive strategy and a priority to deal with the narcotics. It allows the military to give greater logistics support to the Drug Enforcement Administration, and, more importantly, though, this bill creates a coordinator role that will reach across government departments to develop a comprehensive strategy in how to deal with this problem.

Our military is unmatched in its ability to get the job done. Any time, anywhere. But including enhanced civilian interdiction teams, the fight against the drug trade will help our troops get the bad guys, the kingpins in Afghanistan, these people that are making money off of the drug trade.

□ 1500

Also, the team will receive support from our military, international resources and Afghanistan law enforcement officers. I believe that allowing law enforcement to participate in taking down these desert kingpins will give the Afghanistan police a sense of ownership over their own security and help further train them in counternarcotics operation. That could only be a good thing for the citizens of Afghanistan.

Again, Mr. Chairman, I appreciate the administration's commitment to taking care of the poppy fields in Afghanistan that fund our enemies, but I think we're missing a link somewhere in our strategy. Provisions in this bill focus on funding that link, and that's a good start. All of our sacrifice and that of our NATO allies and the future of Afghanistan depend on establishing a stable and viable democracy in that region of the world. That democracy can only thrive amidst a legitimate economy. Our troops, our allies, and, most importantly, the Afghanistan people deserve a chance to live unfettered and free of the rule of kingpins of the drugs and the Taliban.

Mr. LANTOS. Mr. Chairman, I am pleased to yield 2 minutes to Congressman ADAM SMITH, the chairman of the Armed Services Terrorism, Unconventional Threats and Capabilities Subcommittee and a valued member of the Foreign Affairs Committee.

Mr. SMITH of Washington. Mr. Chairman, I want to thank the leadership in both the House Foreign Affairs Committee and the House Armed Services Committee for their efforts to make Afghanistan a top priority and to focus on our challenges there. They've done a fabulous job.

I recently returned, during the last break, from a visit to Afghanistan. I am very optimistic about what's going on there but at the same time mindful of the effort that it's going to require in the years ahead to continue to succeed, and I believe this bill reflects an understanding of that required effort.

The Afghan people are on our side. They support the presence of the NATO troops to support the Karzai government. They do not want the Taliban to return, and they will fight them and appreciate our help in doing this.

I'm also very impressed with the job our military and the military of the NATO alliance is doing there. We have some of the most talented folks in our military there doing a fabulous job of fighting the Taliban. But as we go forward, there are remaining challenges, significant challenges.

Number one, we have to maintain the military presence. In fact, I believe we need more troops and further support to train the Afghan army and to fight off the Taliban as they try to resurge

in the south and throughout the country.

But overarching all of this is the economic challenge. That is the enormous challenge in Afghanistan. It is a country that has never had the best economy, and it has also faced 30 years of civil war. Their infrastructure is destroyed and needs to be rebuilt. Their ability to govern has also been significantly reduced and needs to be rebuilt.

The Karzai government has the support of the people, but the people also want infrastructure. They want electricity, and they want jobs. They want alternatives to the poppies, alternatives to that as a way of making their living, and we have to give them a long-term commitment to show them that we will help. We need that long-term financial commitment that is contained in this bill to get them to believe that their economy will be strong again. We need to reward their faith in the Karzai government, their faith in our ability to defeat the Taliban and to build a better future for Afghanistan; and this bill does that.

So, again, I thank the chairman. I want to thank the ranking member as well for putting together this piece of legislation and ask all Members of Congress to understand this is a long-term commitment in Afghanistan.

Ms. ROS-LEHTINEN. Mr. Chairman, I'd like to yield such time as he may consume to Mr. PENCE of Indiana, the ranking member of the Middle East and South Asia Subcommittee who has traveled to Afghanistan and closely follows the developments there.

MR. PENCE. Mr. Chairman, I especially want to thank our ranking member from Florida for yielding and the distinguished chairman of the full committee for their work on this important legislation.

Mr. Chairman, I rise in strong support of the Afghanistan Freedom and Security Support Act, and I call for its passage. It was reported unanimously out of the Foreign Affairs Committee last month. Our action today would reauthorize the Afghanistan Freedom Support Act of 2002 passed 5 years ago this month, just a few short months after our invasion of the country that harbored the September 11 attackers.

Mr. Chairman, there is nearly unanimous agreement in this body that the battle currently under way in Afghanistan is in our vital national interests, and it is crucial and central to the war on terror. It is critical that we adequately resource and support our mission and the government and the people of Afghanistan.

As with any conflict, there are both positive and troubling signs today in Afghanistan. Challenges facing us include a resurgent Taliban, growing opium trade and slow progress on reconstruction.

On the positive side, our forces, in conjunction with NATO, are waging war on the Taliban, pursuing terrorist nests and providing support to the Karzai government. I was able to witness some of the early fruits of these efforts firsthand, along with some of my colleagues in December of 2004 when I visited. As in Iraq, our troops and civilian efforts there are inspiring in difficult and dangerous conditions.

Opium production remains a plague that will haunt this country until it is curbed. Tragically, Afghanistan is the world's largest opium producer. As Antonio Maria Costa of the United Nations Office on Drugs and Crime said last year, and I quote, ''Afghanistan's drug situation remains vulnerable to reversal because of mass poverty, lack of security, and the fact that the authorities have inadequate control over its territory.''

And that's why this bill is so important. In this legislation, $1.6 billion per year over the next 3 years are authorized for reconstruction and security assistance, specifically a pilot program of crop substitution to encourage legitimate alternatives to poppy cultivation, as well as an anti-corruption effort.

This bill also addresses, as has been alluded to by my colleagues, the continuing humanitarian needs and offers programs for women and children.

One of the most inspiring experiences of my life, Mr. Chairman, was during a visit to an American installation in the mountains of Jalalabad where we walked outside of the military base and visited a school which, for the first time, had running water, which, for the first time, more poignantly, had little girls in the classrooms. It was an extraordinary experience as I approached the gates of that school surrounded, as I was, by heavily armed American military personnel, only to see the children run forward out of the gates, embrace those soldiers and greet them, not as the glowering menaces that they might appear to a stranger but as friends. And I stood and marveled as the soldiers taught me words in their native Afghan tongue to greet the children and to be able to speak to them. It was extraordinary.

This legislation providing for the humanitarian needs and for programs for women and girls like those which I saw is truly treasure in heaven.

This legislation also encourages greater cooperation from friendly countries in the region, and it requires the President to keep Congress informed on the progress of these various issues.

Mr. Chairman, our success in Afghanistan will require a multi-tracked effort on numerous fronts in order for the United States to stay on the offensive in the war on terror and to stabilize this key ally in our shared struggle. The Afghanistan Freedom and Security Support Act is an important and central component in that fight, and I urge its strong support from my colleagues on both sides of the aisle.

Mr. LANTOS. Mr. Chairman, I'm pleased to yield 2 minutes to my neighbor in California, a valued member of the Foreign Affairs Committee, Ms. LYNN WOOLSEY.

Ms. WOOLSEY. Mr. Chairman, I rise today in support of the Afghanistan Freedom Support Act and to thank the chairman and the ranking member of the Foreign Affairs Committee for this bipartisan bill.

H.R. 2446 provides for reconstruction and reconciliation. It provides for the future of Afghan people by supporting women's rights, supporting education, agricultural initiatives and civil society reform.

Actually, this bill is doing what we could and what we should do in Iraq. It builds a path, a true path to peace. With H.R. 2446, through economic political and reconstruction support, we can help rebuild a nation. We can provide hope for a safe and prosperous future for another nation. And we can also learn from this bill, learn that democracy and stability come from international partnerships, not from guns, not from bombs.

Ms. ROS-LEHTINEN. Mr. Chairman, I'm pleased to yield such time as he may consume to Mr. DOOLITTLE, of California, a member of the Appropriations Committee.

Mr. DOOLITTLE. Thank you to Ranking Member ROS-LEHTINEN and Chairman LANTOS. I'm very happy to see the strong support for Afghanistan manifested here by the statements on the floor and, obviously, by a bill like this with unanimous approval out of the committee.

Mr. Chairman, we had some great initial successes in Afghanistan, and those are now threatened by subsequent developments that would be absolutely tragic and really intolerable for us to allow any reversals to occur. We need to build upon a solid foundation that has been laid, and I'd just like to briefly cite what I think the need for this legislation is.

Others have alluded to it as well, but the fact is that remnants of the Taliban regime have regrouped and are using increasingly deadly tactics, including the introduction of suicide bombings against both U.S. and NATO troops, Afghan officials and civilians and international and Afghan assistance workers.

Also, the poppy cultivation and opium production which directly support local warlords and sustain and finance insurgents, militias and terrorist organizations is increasing at a staggering rate. Indeed, the narcotics problem in Afghanistan threatens to overwhelm the entire country. More than 500,000 laborers and an unknown number of traffickers, warlords, insurgents and officials also participate in and benefit from the drug trade.

The risk for Afghanistan to again devolve into a failed state is increasing. The ability of the Taliban and other insurgents to enjoy safe haven in Pakistan-controlled areas destabilizes the region and adds to the political tension between Afghanistan and Pakistan.

I'm very encouraged to see that this legislation establishes the means for developing a long-overdue and coherent

interdepartmental counternarcotics strategy that addresses a deadly and neglected illicit drug trade and its links to radical Islamist terrorism.

Mr. Chairman, for all of these reasons, I endorse this bill and encourage our Members to support it and pray that it may further strengthen our efforts to bring stability and peace to that vital region of the world.

Mr. LANTOS. Mr. Chairman, I'm very pleased to yield 3 minutes to my good friend and distinguished colleague from New York, Mrs. CAROLYN MALONEY, chairwoman of the Subcommittee on Financial Institutions.

Mrs. MALONEY of New York. Mr. Chairman, I thank Chairman LANTOS for his leadership on this important bill and in so many other areas; and I rise in strong support of the Afghan Freedom and Security Support Act.

The bill includes provisions from legislation that I introduced earlier this year, H.R. 937, the Afghan Women Empowerment Act, which targets critical assistance to Afghan women and girls. The bill authorizes $45 million each year from fiscal year 2008 through fiscal year 2010 for programs in Afghanistan that benefit women and girls, as well as the Afghan Independent Human Rights Commission and the Afghan Ministry of Women's Affairs.

The funding would be directed toward important needs, including medical care, education, vocational training, protection from violence and civil participation.

In 2003, I successfully attached, with the leadership and help of Chairman LANTOS, an amendment to the fiscal year 2004 emergency supplemental bill that provided $60 million in funding for Afghan women and girls NGOs, including $5 million for the creation of the Afghan Independent Human Rights Commission.

□ 1515

During the past several years, the U.S. has invested in the reconstruction and development of Afghanistan, both because it is the right thing to do and because it is also critical to our national security. However, like many of my colleagues, I am troubled by the challenges facing Afghani women. In March, I had the pleasure and on other occasions of meeting with Dr. Sima Samar, head of the Afghan Independent Human Rights Commission. She says Afghan women are losing ground. Many women continue to endure hardships including targeted violence, limited mobility, and a high rate of maternal mortality. I am also deeply concerned about reports that girls schools continue to be targeted for violence, including dozens in this past year.

Clearly, we have a great deal of more work to do. And by giving women access to the skills and opportunities that they need, they will become partners in creating Afghanistan's future and we will ensure that women will no longer be second class citizens.

I deeply thank Chairman LANTOS and Ranking Member ROS-LEHTINEN for their leadership in getting this important bill to the floor, and I also want to acknowledge Congress Member ABERCROMBIE for his strong support for this legislation and his efforts on its behalf, along with the Feminist Majority, led by Ellie Smeal.

This legislation is another critical step in helping Afghan women, and I commend the House for passing this legislation today.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield such time as he may consume to the gentleman from Michigan (Mr. MCCOTTER), the House Republican policy chairman.

Mr. MCCOTTER. Mr. Chairman, first, I wish to begin by commending the work of the chairman and the ranking member for bringing this bill to the floor.

Upon my first visit to Iraq in 2003, I was struck by the centralized reconstruction process. I believed it was a mistake, and I came back in November of that year and gave a speech on the floor of the House and I said that I thought that one of the things that we needed to do was to provide the Iraqi people a transactional benefit to undergird the transformational change to democracy. This lesson is equally applicable in Afghanistan, which is why this bill today is so welcomed, because it recognizes that the people of Afghanistan in the provinces, in the local levels are where the reconstruction money must really be targeted.

If you think about how the United States evolved into a democracy, we began with the family unit and went to the town halls and went to our county government level and eventually became States and eventually became a strong union. We can expect no more nor no less from the people of other nations who are yearning to breathe free and have been given the chance to seize the opportunity.

On a more personal note, having been on my first trip to Afghanistan with my colleagues, we had the opportunity to meet with some female parliamentarians, and I was struck by two things: The first, and I said this to them, was that I admired their courage and that there was a part of me that envied them. I envy them because here in the United States capital we see portraits and we see monuments and we continue to this day to hear testaments to the courage and perseverance of our Nation's founders.

And I said that I was so honored to be in the presence of these female parliamentarians for in Afghanistan, as they move towards democracy, one day there will be testaments and monuments and portraits of them hanging on the walls of their own chambers and in the homes of their fellow countrymen.

We promised that day not to forget or forsake them. And today, thanks to the leadership of the ranking member and the chairman, we can tell those female parliamentarians that we have not forgotten them and that we stand with them.

And, finally, let us not forget when we think about the role of the United States, which was conceived in liberty, those female parliamentarians were once considered property until they were emancipated by the United States of America and the coalition allies.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 4 minutes to my good friend from Texas, a distinguished colleague, SHEILA JACKSON-LEE, chairwoman of the Homeland Security Subcommittee on Transportation Security and Infrastructure Protection.

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, allow me to thank my good friend the chairman of the Foreign Affairs Committee of the House for his energy and the focused way in which this committee is pursuing its business of engaging and improving the relations of the United States with those around the world. Let me thank the ranking member as well, whom I have worked with on many issues dealing with women and children, and I appreciate their collective leadership.

This bill is an important restatement of what many of us have argued for and continue to make the point that the building pieces that we can offer to Afghanistan will build a building of peace for decades and centuries to come. Frankly, many of us believe that the war on terror is seeded in Afghanistan and would like us to find or to be able to invest not only as it relates militarily to the concerns of the borders between Afghanistan and Pakistan and the rise of the Taliban but to seed out, if you will, the bad seeds of terrorism, to make Afghanistan the shining star, people desiring and hungering for the water of democracy.

So this legislation, the Afghanistan Freedom and Security Support Act of 2007, needs to be reauthorized and has in it a valuable statement about the United States' commitment, longevity in its commitment, to helping Afghanistan put forward the building blocks of peace. The fact that it authorizes $1.7 billion in each of the fiscal years 2008 to 2010 emphasizes economic and development assistance and as well capacity building programs and, as has been mentioned, women and girls programs.

Let me cite, Mr. Chairman, an individual who has really been a sole champion on the issue of educating Afghan children. And, of course, I am very grateful for your accepting my amendment regarding the refugee resettlement in the manager's amendment and look forward to discussing my amendment regarding the emphasis on training girls to encourage them to finish secondary school, and as well, my amendment regarding the safety of women legislators. But I do want to pay tribute to Josanna Smith. She is a name that you may not have heard, but she has devised a little chalkboard that is able to travel in places where many of us couldn't in the high hills of Afghanistan to give to the children that

many of us see in pictures or have actually visited them, as I have done, and giving books to these children, sitting in little circles trying to learn.

This little simple, if you will, chalkboard that ties to it a piece of chalk allows children to learn. Josanna has put together a foundation where it is almost self-funded. She has been to Afghanistan and many places around the world.

I cite Josanna Smith as an example of the kind of good heartedness of Americans who really desire the best for Afghanistan and see it as the place where we can, in essence, make the fruits of democracy thrive.

This legislation acknowledges that the war on terror started first in the bowels of this country. It acknowledges the need to address the controversy and conflict on the Afghan and Pakistan border. It recognizes the rise of the Taliban. And, hopefully, it will characterize the foreign policy of this Nation, that is, that we must solve the terror in Afghanistan before we begin to completely finish the war on terror or at least make the forward step that we need to make.

I look forward to discussing the amendments that will hopefully further help women and women legislators take their rightful place in a free and open democracy that is safe and secure, and that is the country of Afghanistan.

Mr. Chairman, I rise today in support of H.R. 2446, "the Afghanistan Freedom and Security Support Act of 2007." This is an extremely important and timely piece of legislation, and I commend the Chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it. In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure that nation from the Taliban.

However, the Taliban continues to pose a very real threat to Afghanistan's stability. After enduring decades of violence and hardship, the people of Afghanistan continue to live in a climate of ongoing turmoil, particularly in the southern regions of the country, where there are ongoing and dangerous clashes between coalition-led forces and insurgents. Despite our positive efforts, the Taliban has been able to reorganize, and continues destabilize the country.

These unfortunate realities remind us of the need to continue U.S. programs in Afghanistan, as well as the necessity of continually studying and revising our involvement to ensure that taxpayer dollars are being put to the best possible use. If the United States is to ensure that Afghanistan is secure and stable in the long run, we must address the underlying causes of persistent violence, including the still-flourishing opium trade and the nation's lack of infrastructure.

Education, so long neglected under the Taliban regime, will be a vital component of Afghanistan's development. I commend the many individuals and groups who have been tirelessly furthering the cause of Afghanistan; individuals like Josanna Smith and her organization Worldwide Wisdom United, Inc. Ms. Smith's organization has distributed thousands of Learning Boards™, which are sturdy, hand-held chalkboards containing eraser and a supply of chalk. This simple but ingenious device can mean the world of difference to a child in Afghanistan, opening up a future of economic success and self-sustainability. I commend Ms. Smith, and other Americans like her, for bravely recognizing and addressing this ongoing problem.

I am proud to have offered two important amendments to this legislation, both of which I believe will strengthen this bill and help it to achieve its intended purpose. My first amendment states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes as it relates to education, health care, human rights (particularly women's rights), and political participation. This amendment also seeks to ensure girls complete secondary education so they are prepared and have the ability to pursue post-secondary education.

My second amendment seeks to bolster women's political participation by protecting women legislators when they return to the provinces they represent. It states that it is the sense of Congress that assistance provided to foreign countries and international organizations under this provision should be used, in part, to protect these female legislators.

This bill has many other important provisions. Key among these are programs to combat narcotics trafficking and rampant corruption. Additionally, this bill encourages greater regional cooperation. I believe this to be a vital aspect to any effort toward peace in Afghanistan, and I strongly encourage regional dialogue and the involvement of Afghanistan's neighbors.

Mr. Chairman, we have a responsibility to Afghanistan. We have pledged a commitment to Afghanistan's long-term stability. I believe that this bill is essential and urgent, and I strongly urge my colleagues to join me in support of it.

Mr. LANTOS. Mr. Chairman, I am very pleased to yield 2 minutes to my good friend from Connecticut, Congressman JOE COURTNEY, distinguished member of the Committee on Education and Labor.

Mr. COURTNEY. Mr. Chairman, it is an honor to stand in support of the Afghan Freedom and Security Support Act.

Exactly 1 week ago, I was in Afghanistan with a congressional delegation from the Armed Services Committee and had the opportunity to see firsthand both the progress and challenges that face the people of Afghanistan. It is a land of contrasts. On the upside there is a healthy political life. President Karzai, who met with our delegation, is clearly a dynamic, moderate, engaged leader who has a national government which is clearly focused on trying to move the country forward. There are clear signs of economic life. The shops were open. There was traffic. Schools were being built. Roads are being constructed, 16 percent growth of GDP over the last couple of years and a clear commitment to strengthening and building the Afghan army and police. In fact, our delegation was present at a graduation ceremony for the Afghan national police and handed out the diplomas to the young cadets who were taking on these important critical duties to Afghanistan's future.

There clearly are challenges, however. The reappearance of the narcotics trade; the resurgence of the Taliban; and the challenges in the border areas of Pakistan, which our military are fighting very bravely every day. Seven soldiers lost their lives the day that we were there because of the struggle that is still going on with the Taliban.

What is clearly needed, and this bill addresses it, is a strong, long-term commitment by this country to continue the efforts that have been made with our international allies, NATO allies, who were present also during our trip. French Marines, Scandinavian troops, Germans who are taking responsibility for control of some of the PRTs in the different provinces. And, clearly, lastly, most importantly, is the economic aid that is so critical to defeating the rise of the narcotics trade and defeating the Taliban. As one of the generals stated to us, where the roads end, the Taliban begins in Afghanistan.

Flying from Kabul to Jalalabad, we actually tracked a new road which was constructed by Chinese contractors that had heavy truck traffic and again showed that there were real opportunities in growth in that area which this bill will continue to build upon, and I applaud the chairman for his efforts and urge its unanimous passage.

Ms. ROS-LEHTINEN. Mr. Chairman, I encourage all of my colleagues to support this far-reaching bill.

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

Mr. LANTOS. Mr. Chairman, before yielding back, I would like to make just a couple of observations.

It is such a rare pleasure to manage a major bill of international significance on a bipartisan basis. Our Nation wins when Congress is united. This Congress is united on our policy with respect to Afghanistan. Just as importantly, Mr. Chairman, was my privilege some years back to point out that Afghanistan is not an American problem; it is a problem for the civilized the world. And I called for NATO to take over the responsibility in Afghanistan.

NATO is now the principal operating entity on behalf of freedom and democracy in the country of Afghanistan. NATO should be performing this function. It is the greatest military alliance in the history of the world, and it is my earnest hope that, just as NATO has accepted its responsibility in the struggle in Afghanistan, it will do so in other troubled parts of the world.

Mr. HOLT. Mr. Chairman, I rise today in support of this very important legislation.

During the first 6 months of 2007, this Congress has rightly spent a great deal of time debating and trying to reorient our policy in Iraq. It's important to remember that one of the chief reasons we need to leave Iraq is so that we can win the other war we've been fighting since 2001: the war against Al Qaeda and their Taliban allies in Afghanistan.

This bipartisan bill provides additional support for programs as diverse as assistance to women and girls, energy development and counter-narcotics. It authorizes $6.435 billion for fiscal years 2008 through 2010, of which $2.145 billion is authorized to be spent in fiscal year 2008. Let me comment on a couple of specific provisions that I think are particularly important.

This bill seeks to set standards, create performance metrics, and mandate a tightly coordinated interagency strategy for Afghanistan—the very kinds of measures that were absent in our effort in Iraq from the very beginning. Starting in December 2007 and every 6 months afterwards through September 30, 2010, this bill would require the President to submit detailed reports to Congress on the political, military, and economic progress being made—or not being made—in Afghanistan. It is long past time that Congress mandated such benchmarks so that we can know what is working in Afghanistan and make adjustments where things are not working.

This bill also mandates the creation of a special envoy to help more closely coordinate activities between those governments and the International Security Assistance Force in their joint efforts to interdict Al Qaeda and Taliban fighters who attempt to use Pakistani territory to launch attacks against civilian and military targets in Afghanistan. Pakistan's record in this area is at best mixed, and I am glad that the committee has recognized the need for our government to increase its effort to get both governments to make the borders no-go zones for insurgents.

Finally, this bill recognizes that the Taliban and Al Qaeda are not the only enemies of Afghanistan's fledgling democracy. The narcotics trade in Afghanistan is producing violence and corruption that threatens the people and government of Afghanistan just as much as the actions of the terrorists. Indeed, we know that in many cases the terrorists are using narcotrafficking to help fund their violent campaign to overthrow the Afghan government.

Weeding out potentially corrupt police who assist the drug lords and the terrorists is essential, and this bill would require that future assistance to the Afghan National Police include "vetting procedures to adequately assess each Afghan National Police candidate's aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work." This is exactly the type of framework that we have lacked in Iraq to deal with police corruption in that country, and so I'm pleased that the committee is including such a vetting requirement for Afghan police in this bill.

Mr. Chairman, I look forward to the day when the people of Afghanistan are free of the fear and uncertainty that decades of war and civil strife have produced in that ancient country. Let us hasten the arrival of that day by reaffirming our partnership with them by passing this bill.

Mr. BARTON of Texas. Mr. Chairman, I rise today in support of H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007.

This bill reauthorizes the Afghanistan Freedom Support Act of 2002, which has made a huge impact in the stability and security of a new democracy in that country.

Since 2002, we've seen major reconstruction of schools and infrastructure in that country, as well as the birth of a democratic nation.

Reauthorization of this bill is crucial ensuring that Afghanistan continues to strengthen its government and that its people start to feel safe and secure in a nation that has been riddled with so much violence and terrorism.

H.R. 2446 also makes some important enhancements to the original Act by dealing with a rising narcotics problem related to heroine and poppy production that is threatening to endanger Afghanistan's security.

H.R. 2446 also takes a strong step towards building international diplomacy and shared responsibility in the region with our allies.

The Act expresses the sense of Congress that greater humanitarian assistance is needed in the country for civilians, that the United Nations should play a larger role in assisting the people of Afghanistan and also provides means to train military from foreign countries to share responsibility in Afghanistan.

We also set strong benchmarks for accountability in the region by requiring more reporting, a better overall strategy for Afghanistan, and by pursuing policies that foster regional cooperation.

This bill will make Afghanistan stronger and more secure while securing our own homeland in the fight against global terrorism.

I urge my colleagues to support this bill.

□ 1530

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of the bill is as follows:

H.R. 2446

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 "Afghanistan Freedom and Security Support Act of 2007".

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definition.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

Sec. 101. Declaration of policy.
Sec. 102. Purposes of assistance.
Sec. 103. Authorization of assistance.
Sec. 104. Certification and phased-in limitation on economic and democratic development assistance.
Sec. 105. Monitoring and evaluation of assistance.
Sec. 106. Coordination of assistance.
Sec. 107. Pilot program to provide scholarships to Afghan students for public policy internships in the United States.
Sec. 108. Authorization of appropriations.
Sec. 109. Clerical amendment.

TITLE II—ASSISTANCE FOR A NEW SECURITY FRAMEWORK FOR AFGHANISTAN

Subtitle A—Amendments to the Afghanistan Freedom Support Act of 2002

Sec. 201. Authorization of assistance.
Sec. 202. Congressional notification requirements.
Sec. 203. Matters relating to the International Security Assistance Force.
Sec. 204. Sunset.

Subtitle B—Other Matters

Sec. 211. Counter-narcotics activities in Afghanistan.
Sec. 212. Expansion of international contributions to the security of Afghanistan.
Sec. 213. Training for military personnel of foreign countries that are to be deployed for security operations in Afghanistan.
Sec. 214. Humanitarian assistance for war victims.
Sec. 215. Sense of Congress concerning United Nations mandate in Afghanistan.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Donor contributions to Afghanistan and reports.
Sec. 302. Report on progress toward security and stability in Afghanistan.
Sec. 303. Comprehensive interagency strategy for long-term security and stability in Afghanistan.
Sec. 304. Special envoy for Afghanistan-Pakistan cooperation.
Sec. 305. Transit through Pakistan of shipments by India in support of reconstruction efforts in Afghanistan.
Sec. 306. Reauthorization of Radio Free Afghanistan.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Nearly six years after the liberation of Afghanistan from the Taliban, who provided Osama Bin-Laden and Al-Qaeda with a safe haven for planning the attacks of September 11, 2001, Afghanistan remains highly unstable and the Government of President Hamid Karzai remains subject to attacks from remnants of the Taliban who have regrouped along with other insurgent groups, including some foreign fighters associated with Al-Qaeda.

(2) The Government of Afghanistan supports the continued deployment of international forces to supplement its own nascent national security forces, and the North Atlantic Treaty Organization (NATO), which took over international stability operations for the entire country on October 5, 2006, must show continued commitment to these operations in order to assist Afghanistan in defeating the growing insurgency in rural areas of Afghanistan.

(3) The current United States counter-narcotics strategy for Afghanistan has not produced significant results, in part due to a failure to seek out and capture high-level warlords and kingpins who control the flow of illicit narcotics and because sufficient sustainable alternatives have not been provided to Afghan farmers who suffer from a lack of access to microfinance facilities, financial services, and land rights and whose crops are subject to eradication.

(4) In some cases, the misaligned eradication policy endorsed by the United States Government has led adversely-affected Afghan farmers and villagers to support insurgent groups, including the Taliban.

(5) The violence and instability in Afghanistan is further exacerbated by the flourishing trade in opium and opium-related crops, which has reached record levels and which fuel local militias, corrupts the national and local governments, and provides funding for insurgent and terrorist groups.

(6) The United States and the international community must continue to support Afghanistan both through increased support for its national and local police forces, the Afghan National Army, and Afghan counter-narcotics operations.

(7) The United States and the international community must also continue to support the growth of the Afghan economy through

foreign assistance and other means because Afghanistan remains one of the poorest countries in the world and economic growth is impeded by the lingering remnants of 25 years of civil war and occupation and the ongoing instability since December 2001, including the growing illicit drug economy.

(8) The United States and the international community must also continue to show a long-term commitment to support the promotion of democracy and the protection of human rights in Afghanistan, including increased assistance for the rule of law, freedom of the press, freedom of association, freedom of religion, and other measures of good governance.

(9) From January 31 to February 1, 2006, the Government of Afghanistan and the international community issued the Afghanistan Compact, which sets forth both the international community's commitment to Afghanistan and Afghanistan's commitment to state-building and reform over the next five years.

(10) The Afghanistan Compact, which supports the Afghan National Development Strategy, provides a strategy for building an effective, accountable state in Afghanistan, with goals and standards set forth in the Afghanistan Compact for improvements in security, governance, and development, including measures for reducing the narcotics economy, promoting regional cooperation, and making aid more effective. The Afghanistan Compact also established a mechanism to monitor Afghanistan and the international community's adherence to the timelines, goals, and objectives set forth in the document.

(11) The security of Afghanistan is closely intertwined with those of its regional neighbors and success in Afghanistan, both economic and political, will be dependent on security and stability in the region.

(12) The recent closure of four refugee camps in Pakistan and the deportation of Afghans from Iran have resulted in over 200,000 Afghan refugees repatriating to Afghanistan who will require urgent humanitarian services.

SEC. 3. DEFINITION.

(a) IN GENERAL.—In this Act, except as otherwise provided, the term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(b) AMENDMENT.—Subsection (c) of section 1 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended to read as follows:

''(c) DEFINITIONS.—In this Act:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—Except as otherwise provided, the term 'appropriate congressional committees' means—

''(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

''(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

''(2) GOVERNMENT OF AFGHANISTAN.—The term 'Government of Afghanistan' includes—

''(A) the government of any political subdivision of Afghanistan; and

''(B) any agency or instrumentality of the Government of Afghanistan.

''(3) INTERNATIONAL SECURITY ASSISTANCE FORCE OR ISAF.—The term 'International Security Assistance Force' or 'ISAF' means the international security assistance force established to assist in the maintenance of security in Afghanistan pursuant to United Nations Security Council Resolution 1386 (2001), as amended by United Nations Security Council Resolutions 1413 (2002), 1444 (2002), 1510 (2003), 1563 (2004), 1623 (2005), and 1707 (2006).''.

TITLE I—ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN

SEC. 101. DECLARATION OF POLICY.

Section 101 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511) is amended by striking paragraphs (4), (5), and (6) and inserting the following new paragraphs:

''(4) While the election of a President and the establishment of a National Parliament for Afghanistan concluded the process begun in December 5, 2001, in Bonn, Germany, the United States needs to continue to work with the Government of Afghanistan and other friendly countries to ensure that Afghanistan's neighboring countries and other countries in the region do not threaten or interfere in one another's sovereignty, territorial integrity, or political independence, including supporting diplomatic initiatives to support this goal for the establishment of an independent and neutral Afghanistan.

''(5) The United States must continue to demonstrate a long-term commitment to the people of Afghanistan by sustained assistance and the continued deployment of United States troops in Afghanistan with the support of the Government of Afghanistan as Afghanistan continues on its path toward a broad-based, multi-ethnic, gender-sensitive, and fully representative government in Afghanistan.

''(6) To foster stability and democratization and to effectively eliminate the causes of terrorism, the United States and the international community should also support efforts that advance the development of democratic civil authorities and institutions in Afghanistan's neighboring countries and throughout the Central Asia and South Asia regions.

''(7) While rampant corruption has impeded development and economic growth in Afghanistan and contributed to insecurity in the country, the United States should support all efforts to fight corruption in all levels of government in Afghanistan and assist in promoting an efficient and effective Government of Afghanistan.''.

SEC. 102. PURPOSES OF ASSISTANCE.

Section 102 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7512) is amended—

(1) in paragraph (2), by striking ''the humanitarian crisis'' and inserting ''the continuing humanitarian needs'';

(2) in paragraph (3)—

(A) by striking ''heroin, and to'' and inserting ''heroin, to''; and

(B) by adding at the end before the semicolon the following: '', and to establish a pilot program to test the effectiveness of a crop substitution combined with an appropriate offset policy and to provide practical information on the measures needed to implement such a policy with the potential of scaling up the pilot program for large-scale deployment''; and

(3) in paragraph (7), by inserting '', the energy sector'' after ''the agriculture sector''.

SEC. 103. AUTHORIZATION OF ASSISTANCE.

(a) CONTINUING HUMANITARIAN NEEDS.—Subsection (a)(1) of section 103 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7513) is amended—

(1) in the heading, by striking ''URGENT'' and inserting ''CONTINUING''; and

(2) in the matter preceding subparagraph (A), by striking ''urgent'' and inserting ''continuing''.

(b) COUNTER-NARCOTICS EFFORTS.—Subsection (a)(3) of such section is amended—

(1) in the matter preceding clause (i) of subparagraph (A)—

(A) by striking ''To assist in'' and inserting ''To assist in the apprehension of individuals who organize, facilitate, and profit from the drug trade,''; and

(B) by inserting '', including the destruction of drug laboratories'' after ''heroin production'';

(2) by redesignating subparagraph (B) as subparagraph (C);

(3) by inserting after subparagraph (A) the following new subparagraph:

''(B) To establish a pilot program to test the effectiveness of a crop substitution combined with an appropriate offset to encourage legitimate alternatives to poppy production for Afghan poppy farmers within an area in which poppy production is prevalent, such as in the Helmand or Nangarhar provinces, by providing—

''(i) seeds for alternative crops for which there is internal market demand and in an areas in which there is adequate infrastructure for access to market;

''(ii) technical assistance to such Afghan poppy farmers on how to best plant, grow, and harvest the alternative crops utilized; and

''(iii) an appropriate offset that would significantly address the difference in income that such Afghan poppy farmers would otherwise earn had they continued to grow and sell poppy.'';

(4) in subparagraph (C) (as redesignated)—

(A) by striking ''(B)'' and inserting ''(B)(i)'';

(B) by striking ''2003 through 2006'' and inserting ''2008 through 2010'';

(C) by striking the last sentence; and

(D) by adding at the end the following new clauses:

''(ii) For each of the fiscal years 2008 through 2010, $10,000,000 is authorized to be appropriated to the President to carry out activities described in subparagraph (B).

''(iii) Amounts made available under clauses (i) and (ii) are in addition to amounts otherwise available for such purposes.''; and

(5) by adding at the end the following new subparagraph:

''(D) Not later than 180 days after the date of the enactment of the Afghanistan Freedom and Security Support Act of 2007, and every 180 days thereafter through the end of fiscal year 2010, the President shall transmit to the appropriate congressional committees a report on the status of the implementation of the activities described in subparagraph (B). The report required by this subparagraph may be included in the report required by section 304 of this Act.''.

(c) REESTABLISHMENT OF FOOD SECURITY, REHABILITATION OF THE AGRICULTURE SECTOR, IMPROVEMENT IN HEALTH CONDITIONS, AND THE RECONSTRUCTION OF BASIC INFRASTRUCTURE.—Subsection (a)(4) of such section is amended—

(1) by striking subparagraph (B) and inserting the following new subparagraph:

''(B) increased access to credit, savings, and other financial services and to farm management and business advisory services;'';

(2) by redesignating subparagraphs (K), (L), and (M) as subparagraphs (M), (N), and (O), respectively;

(3) by inserting after subparagraph (J) the following new subparagraphs:

''(K) programs to train medical personnel, including doctors, nurses, physicians' assistants, and midwives;

''(L) programs to provide equipment to primary and secondary clinics and hospitals;'';

(4) in subparagraph (N) (as redesignated), by striking ''and'' at the end;

(5) in subparagraph (O) (as redesignated), by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following new subparagraph:

''(P) rebuilding and constructing rural and urban roads and highways, including secondary and tertiary road systems.''.

(d) EDUCATION, THE RULE OF LAW, ANTI-CORRUPTION, AND RELATED ISSUES.—Subsection (a)(5) of such section is amended—

(1) in the heading, by inserting '', ANTI-CORRUPTION'' after ''THE RULE OF LAW'';

(2) in subparagraph (B)—

(A) by striking clause (v);

(B) by redesignating clauses (vi) through (viii) as clauses (v) through (vii), respectively;

(C) in clause (vi) (as redesignated), by striking ''and'' at the end;

(D) in clause (vii) (as redesignated), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new clauses:

''(viii) support for the implementation of the Afghan Action Plan on Transitional Justice, including examination of abuses by all parties as specified by the document with a view to establishing truth, reconciliation, and justice; and

''(ix) support for land titling programs and reconciliation of land rights.'';

(3) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(4) by inserting after subparagraph (B) the following new subparagraph:

''(C) ANTI-CORRUPTION ASSISTANCE.—To combat corruption, improve transparency and accountability, increase the participatory nature of governmental institutions, and promote other forms of good governance and management in all levels of government in Afghanistan, including assistance such as—

''(i) providing technical assistance to the Government of Afghanistan to assist in the efforts to ratify the United Nations Convention against Corruption and assistance in creating implementation legislation and a monitoring mechanism to oversee implementation of the United Nations Convention against Corruption;

''(ii) supporting the establishment of audit offices, inspectors general offices, third party monitoring of government procurement processes, and anti-corruption agencies;

''(iii) promoting legal and judicial reforms that criminalize corruption and law enforcement reforms and development that encourage prosecutions of corruption;

''(iv) providing technical assistance to develop a legal framework for commercial transactions that fosters business practices that promote transparent, ethical, and competitive behavior in the economic sector, such as commercial codes that incorporate international standards and protection of core labor standards;

''(v) providing training and technical assistance relating to drafting of anti-corruption, privatization, and competitive statutory and administrative codes, and providing technical assistance to Afghan governmental ministries implementing anti-corruption laws and regulations;

''(vi) promoting the development of regulations relating to financial disclosure for public officials, political parties, and candidates for public offices;

''(vii) supporting transparent budgeting processes and financial management systems; and

''(viii) promoting civil society's role in combating corruption.''.

(e) ASSISTANCE TO WOMEN AND GIRLS.—Subsection (a)(7) of such section is amended—

(1) in subparagraph (A), by striking clauses (i) through (xii) and inserting the following new clauses:

''(i) to provide equipment, medical supplies, and other assistance to health care facilities for the purpose of reducing maternal and infant mortality and morbidity;

''(ii) to expand immunization programs for women and children;

''(iii) to establish and expand programs to provide services to women and girls suffering from mental illness problems, such as depression, anxiety, and posttraumatic stress disorder;

''(iv) to protect and provide services to vulnerable populations, including widows, orphans, and women head of households;

''(v) to develop and implement programs to protect women and girls against sexual and physical abuse, abduction, trafficking, exploitation, and sex discrimination, including emergency shelters for women and girls who face danger from violence;

''(vi) to establish primary and secondary schools for girls that include mathematics, science, and languages in their primary curriculum;

''(vii) to expand technical and vocational training programs to enable women to support themselves and their families;

''(viii) to maintain and expand adult literacy programs, including economic literacy programs that promote the well-being of women and their families;

''(ix) to provide special educational opportunities for girls whose schooling was ended by the Taliban and who now face obstacles to participating in the normal education system, such as girls who are now married and girls who are older than the normal age for their classes;

''(x) to disseminate information throughout Afghanistan on international standards for human rights, particularly as pertaining to women;

''(xi) to provide information and assistance to enable women to exercise property, inheritance, and voting rights, and to ensure equal access to the judicial system;

''(xii) to support the work of women-led and local nongovernmental organizations with demonstrated experience in delivering services to women and children in Afghanistan;

''(xiii) to monitor and investigate violations against women and to provide legal assistance to women who have suffered violations of their rights;

''(xiv) to increase political and civic participation of women in all levels of society, including the criminal justice system;

''(xv) to provide information and training related to human rights, particularly as pertaining to women, to military, police, and legal personnel; and

''(xvi) to provide assistance to the Ministry of Women's Affairs and the Afghan Independent Human Rights Commission for programs to advance the status of women.''; and

(2) in subparagraph (B), to read as follows:

''(B) AVAILABILITY OF FUNDS.—For each of the fiscal years 2008 through 2010—

''(i) $5,000,000 is authorized to be appropriated to the President to be made available to the Afghan Ministry of Women's Affairs for the administration and conduct of its programs;

''(ii) $10,000,000 is authorized to be appropriated to the President to be made available to the Afghan Independent Human Rights Commission for the administration and conduct of its programs; and

''(iii) $30,000,000 is authorized to be appropriated to the President for grants to Afghan-led nongovernmental organizations, including Afghan women-led nongovernmental organizations, to support activities including the construction, establishment, and operation of schools for married girls and girls' orphanages, vocational training for women and girls, primary health care clinics for women and children, programs to strengthen Afghan women-led organizations and women's leadership, and to provide monthly financial assistance to widows, orphans, and women head of households.''.

(f) ASSISTANCE FOR ENERGY DEVELOPMENT AND SHORT-TERM ENERGY SUPPLY.—

(1) AMENDMENT.—Subsection (a) of such section is amended by adding at the end the following new paragraphs:

''(8) ASSISTANCE FOR ENERGY DEVELOPMENT.—To support the development of local energy sources, new power generation, and energy transportation, including further development of existing hydrological power sources, studies of the utility of geothermal energy, expansion of local natural gas fields for internal consumption and export, and transport of natural gas or other appropriate energy sources to Afghanistan's neighboring countries.

''(9) ASSISTANCE FOR SHORT-TERM ENERGY SUPPLY.—

''(A) ASSISTANCE OBJECTIVES.—To provide assistance for the supply of short-term energy resources such as diesel to secure the delivery of electricity to major Afghan cities.

''(B) AVAILABILITY OF FUNDS.—For each of the fiscal years 2008 through 2010, $75,000,000 is authorized to be appropriated to the President to carry out this paragraph.

''(C) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under subparagraph (B) are in addition to amounts otherwise available for such purposes.''.

(2) SENSE OF CONGRESS ON OPIC ACTIVITIES.—It is the sense of Congress that the Overseas Private Investment Corporation should, in accordance with its mandate to foster private investment and enhance the ability of private enterprise to make its full contribution to international development, exercise its authorities under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2191 et seq.) to further increase efforts to promote and support United States-sponsored private investment in the energy sector in Afghanistan, including—

(A) issuing loans, guaranties, and insurance, to support energy infrastructure reconstruction and development; and

(B) undertaking a special initiative that includes—

(i) sending a needs assessment team to Afghanistan to determine ways in which the Corporation can best support the essential investment required to restore the energy infrastructure in Afghanistan;

(ii) engaging in an exhaustive outreach program to involve United States business in energy development in Afghanistan and exploring potential new public-private partnerships, supported by the Corporation, which will assist Afghanistan in developing its energy sector; and

(iii) consulting and coordinating with the Government of Afghanistan and regional governments and international financial institutions to promote private investment in the energy sector.

(g) ASSISTANCE FOR CAPACITY-BUILDING.—Subsection (a) of such section, as amended by subsection (f)(1) of this section, is further amended by adding at the end the following new paragraph:

''(10) ASSISTANCE FOR CAPACITY-BUILDING.—To increase the capacity and improve the sustainability of national, provincial, and local governmental institutions, including assistance such as—

''(A) providing technical assistance to all ministries through funding to the Afghanistan Reconstruction Trust Fund to improve transparency and ability to respond to the needs of the Afghan people;

''(B) promoting the implementation of fiscal and personnel management, including revenue tracking and expenditure systems;

''(C) assisting in developing ministry-wide recruitment systems;

''(D) creating or improving databases and other human resource information systems;

''(E) supporting the expansion of the Afghan National Solidarity Project and other provincial and local-led development projects;

''(F) providing training and technical assistance to the Ministry of Finance to better account for funding to the Afghanistan Reconstruction Trust Fund and other funds implemented by the Government of Afghanistan;

''(G) supporting the Afghanistan Independent Administrative Reform and Civil Service Commission; and

''(H) providing financial and technical assistance to support the Transition Support Strategy for Afghanistan, including the Public Administration Reform project.''.

(h) LIMITATION.—Subsection (b)(1) of such section is amended by striking ''adopting a constitution and''.

(i) MONITORING OF ASSISTANCE FOR AFGHANISTAN; REPORT.—Subsection (d)(1)(A) of such section is amended—

(1) by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''; and

(2) by adding at the end the following new sentence: ''The report required by this paragraph may be included in the report required by section 304 of this Act.''.

SEC. 104. CERTIFICATION AND PHASED-IN LIMITATION ON ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.) is amended—

(1) by redesignating sections 104 through 108 as sections 105 through 109, respectively; and

(2) by inserting after section 103 the following new section:

''SEC. 104. CERTIFICATION AND PHASED-IN LIMITATION ON UNITED STATES ECONOMIC AND DEMOCRATIC DEVELOPMENT ASSISTANCE FOR AFGHANISTAN.

''(a) CERTIFICATION.—

''(1) IN GENERAL.—Not later than October 1, 2008 and each October 1 thereafter, the President shall transmit to the appropriate congressional committees a certification that contains a determination of whether or not, based upon substantiated and credible evidence, any senior official of the Government of Afghanistan, at the provincial or local levels, is engaged in or benefits from the illicit narcotics trade or is engaged in terrorist or criminal activities, including the names of any such senior officials and the provincial or local governments over which such senior officials exercise authority.

''(2) FORM.—The certification required by paragraph (1) shall be transmitted in unclassified form, but may contain a classified annex.

''(b) LIMITATION ON ASSISTANCE.—For fiscal year 2009 and each subsequent fiscal year, assistance authorized under this title or under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) may not be provided to a provincial or local government of Afghanistan if the President determines and certifies to the appropriate congressional committees pursuant to subsection (a) for such fiscal year that, based upon substantiated and credible evidence, one or more senior officials from such provincial or local government is engaged in or benefits from the narcotics trade or is engaged in terrorist or criminal activities.''.

SEC. 105. MONITORING AND EVALUATION OF ASSISTANCE.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.), as amended by section 104 of this Act, is further amended—

(1) by redesignating sections 105 through 109 (as redesignated) as sections 106 through 110, respectively; and

(2) by inserting after section 104 the following new section:

''SEC. 105. MONITORING AND EVALUATION OF ASSISTANCE.

''(a) IN GENERAL.—The President shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this title on a program-by-program basis in order to maximize the long-term sustainable development impact of such assistance.

''(b) REQUIREMENTS.—In carrying out subsection (a), the President shall—

''(1) establish performance goals for assistance authorized under this title and expresses such goals in an objective and quantifiable form, to the extent practicable;

''(2) establish performance indicators to be used in measuring or assessing the achievement of the performance goals described in paragraph (1); and

''(3) provide a basis for recommendations for adjustments to assistance authorized under this title to enhance the impact of such assistance.

''(c) ASSISTANCE TO ENHANCE THE CAPACITY OF AFGHANISTAN.—In carrying out subsection (a), the President shall provide assistance to enhance the capacity of the Government of Afghanistan to monitor and evaluate programs carried out by the national, provincial, and local governments in Afghanistan in order to maximize the long-term sustainable development impact of such programs.

''(d) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 110 for a fiscal year, not less than 5 percent of such amounts are authorized to be made available to carry out this section for such fiscal year.''.

SEC. 106. COORDINATION OF ASSISTANCE.

(a) CONGRESSIONAL FINDING.—Congress finds that the coordinator of assistance provided for in section 106 of the Afghanistan Freedom Support Act of 2002 (as redesignated) has not achieved the objectives of an integrated approach to United States assistance programs for Afghanistan.

(b) APPOINTMENT OF COORDINATOR.—Not later than 90 days after the date of the enactment of this Act, the President shall appoint, by and with the advice and consent of the Senate, a coordinator who shall report directly to the President. The coordinator shall not hold any other position within the United States Government and shall have the rank and status of Ambassador.

(c) DUTIES OF COORDINATOR.—The coordinator shall be responsible for—

(1) designing an overall non-military strategy, in coordination with the heads of relevant United States Government departments and agencies, to advance United States interests in Afghanistan, including policy coordination relating to counter-narcotics efforts, reconstruction and development, and activities to equip and train the Afghan National Security Forces;

(2) ensuring policy coordination among relevant United States Government departments and agencies in carrying out the strategy described in paragraph (1);

(3) pursuing coordination with other countries and international organizations with respect to assistance for Afghanistan;

(4) coordinating the implementation and oversight by relevant United States Government departments and agencies for assistance for Afghanistan described in paragraph (1);

(5) resolving policy disputes among relevant United States Government departments and agencies with respect to United States assistance for Afghanistan described in paragraph (1);

(6) ensuring policy coordination among relevant United States Government departments and agencies for counter-narcotics efforts and coordinating the implementation of such policies, including by facilitating the access of certain departments and agencies to sensitive sites in Afghanistan, where practicable, for the purpose of conducting critical counter-narcotics operations; and

(7) ensuring coordination among the United States, the Government of Afghanistan, the United Kingdom, and other international partners that are supporting counter-narcotics efforts, reconstruction and development, and activities to equip and train the Afghan National Security Forces in Afghanistan.

(d) DEPUTY COORDINATORS.—The coordinator may appoint up to two deputy coordinators to assist the coordinator with the duties of the coordinator described in subsection (c), including duties relating to counter-narcotics, reconstruction and development, or equipping and training of Afghan National Security Forces. A deputy coordinator shall not hold any other position within the United States Government.

(e) REPEAL.—Section 106 of the Afghanistan Freedom Support Act of 2002 (as redesignated by sections 104 and 105 of this Act), is hereby repealed.

SEC. 107. PILOT PROGRAM TO PROVIDE SCHOLARSHIPS TO AFGHAN STUDENTS FOR PUBLIC POLICY INTERNSHIPS IN THE UNITED STATES.

Title I of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7511 et seq.), as amended by sections 104 and 105 of this Act, is further amended by inserting after section 105 (as redesignated) the following new section:

''SEC. 106. PILOT PROGRAM TO PROVIDE SCHOLARSHIPS TO AFGHAN STUDENTS FOR PUBLIC POLICY INTERNSHIPS IN THE UNITED STATES.

''(a) PILOT PROGRAM REQUIRED.—The Secretary of State shall establish a pilot program to provide scholarships to undergraduate and graduate students in Afghanistan for public policy internships in the United States to improve the ability of such students to increase the capacity of the Government of Afghanistan. The pilot program required by this subsection shall be carried out as part of the educational and cultural exchange programs of the Department of State under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.).

''(b) SCOPE OF PILOT PROGRAM.—It is the sense of Congress that 20 students should participate in the pilot program required by subsection (a) for each fiscal year during which the pilot program is in effect.

''(c) PERIOD OF PILOT PROGRAM.—The pilot program required by subsection (a) shall be in effect during each of the fiscal years 2008, 2009, and 2010.''.

SEC. 108. AUTHORIZATION OF APPROPRIATIONS.

(a) AMENDMENTS.—Subsection (a) of section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated) is amended—

(1) by striking ''such sums as may be necessary'' and inserting ''$1,600,000,000''; and

(2) by striking ''2005 and 2006'' and inserting ''2008 through 2010''.

(b) RULE OF CONSTRUCTION.—The amendments made by subsection (a) shall not be construed to affect the availability of funds appropriated pursuant to the authorization of appropriations under section 108 of the Afghanistan Freedom Support Act of 2002 (22

U.S.C. 7518) before the date of the enactment of this Act.

SEC. 109. CLERICAL AMENDMENT.

The table of contents in section 1(b) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended by striking the items relating to sections 104 through 108 and inserting the following new items:

''Sec. 104. Certification and phased-in limitation on United States economic and democratic development assistance for Afghanistan

''Sec. 105. Monitoring and evaluation of assistance

''Sec. 106. Pilot program to provide scholarships to Afghan students for public policy internships in the United States.

''Sec. 107. Sense of Congress regarding promoting cooperation in opium producing areas.

''Sec. 108. Administrative provisions.

''Sec. 109. Relationship to other authority.

''Sec. 110. Authorization of appropriations.''.

TITLE II—ASSISTANCE FOR A NEW SECURITY FRAMEWORK FOR AFGHANISTAN

Subtitle A—Amendments to the Afghanistan Freedom Support Act of 2002

SEC. 201. AUTHORIZATION OF ASSISTANCE.

(a) EXTENSION OF DRAWDOWN AUTHORITY.—Subsection (b) of section 202 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7532) is amended by striking ''$550,000,000'' and inserting ''300,000,000 in any fiscal year''.

(b) SENSE OF CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(c) SENSE OF CONGRESS.—It is the sense of Congress that assistance provided to eligible foreign countries and international organizations under subsection (a) should promote greater interoperability with and among the military forces of the International Security Assistance Force, the United States, and the Government of Afghanistan.''.

SEC. 202. CONGRESSIONAL NOTIFICATION REQUIREMENTS.

Subsection (a) of section 205 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7535) is amended by striking ''the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate'' and inserting ''the appropriate congressional committees''.

SEC. 203. MATTERS RELATING TO THE INTERNATIONAL SECURITY ASSISTANCE FORCE.

(a) IMPLEMENTATION OF STRATEGY.—Section 206 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7536) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(b) REPORTS ON EFFORTS TO EXPAND INTERNATIONAL PEACEKEEPING AND SECURITY OPERATIONS IN AFGHANISTAN.—Subsection (c)(1)(B) of such section (as redesignated) is amended in the first sentence, by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(c) ARMS SALES INCENTIVE FOR COOPERATING NATIONS IN AFGHANISTAN.—Such section is further amended by adding at the end the following new subsection:

''(e) ARMS SALES INCENTIVE FOR COOPERATING NATIONS IN AFGHANISTAN.—

''(1) IN GENERAL.—The President is authorized to provide a subsidy of up to five percent of the total acquisition cost of defense articles and defense services sold pursuant to the Arms Export Control Act (22 U.S.C. 2751 et seq.) to a country if—

''(A) the country will use such defense articles and defense services in Afghanistan, or

''(B) the country will use defense articles and defense services of comparable quality and quantity in Afghanistan,

in support of operations in Afghanistan for an extended period of time.

''(2) DEFINITIONS.—In this subsection—

''(A) the term 'defense article' has the meaning given the term in paragraph (3) of section 47 of the Arms Export Control Act (22 U.S.C. 2794 note); and

''(B) the term 'defense service' has the meaning given the term in paragraph (4) of such section.

''(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection, there are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2008 through 2010.''.

SEC. 204. SUNSET.

Section 209 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7538) is amended by striking ''2006'' and inserting ''2010''.

Subtitle B—Other Matters

SEC. 211. COUNTER-NARCOTICS ACTIVITIES IN AFGHANISTAN.

(a) SUPPORT FOR COUNTER-NARCOTICS INTERDICTION OPERATIONS.—

(1) IN GENERAL.—The President, acting through the Secretary of Defense, shall direct the United States Armed Forces to continue to support counter-narcotics interdiction operations in Afghanistan, consistent with ongoing operational activities and the Department of Defense's counter-narcotics strategy for Afghanistan.

(2) COORDINATION.—Such operations shall be conducted in coordination with the Government of Afghanistan and in coordination with any support for counter-narcotics interdiction operations provided by the United Kingdom and other appropriate countries.

(3) TYPES OF ACTIVITIES.—Such operations shall include—

(A) intelligence, surveillance, and information sharing;

(B) logistical support, to the extent practicable in light of ongoing operational activities, for interdiction efforts; and

(C) training and equipping the Afghan National Police, consistent with existing law.

(b) SPECIAL COUNTER-NARCOTICS INTERDICTION TEAMS.—The President shall enhance existing civilian special counter-narcotics interdiction teams and, in addition, such counter-narcotics interdiction teams shall, to the extent practicable in light of ongoing operational activities, receive the support described in subsection (a).

(c) PARTICIPATION OF FOREIGN COUNTER-NARCOTICS LAW ENFORCEMENT PERSONNEL.—Counter-narcotics law enforcement personnel of NATO and other friendly countries may participate in the formation and operation of the counter-narcotics interdiction teams described in subsection (b) or other counter-narcotics operations in Afghanistan that are supported by the United States.

(d) VETTING OF CANDIDATES FOR THE AFGHAN NATIONAL POLICE.—The President shall ensure that assistance for the Afghan National Police include vetting procedures to adequately assess each Afghan National Police candidate's aptitude, professional skills, integrity, and other qualifications that are essential to law enforcement work.

SEC. 212. EXPANSION OF INTERNATIONAL CONTRIBUTIONS TO THE SECURITY OF AFGHANISTAN.

(a) STATEMENT OF POLICY.—It is the policy of the United States that the President shall encourage the Governments of Pakistan and friendly Arab countries to increase reconstruction assistance to, and diplomatic support for, the Government of Afghanistan.

(b) PAKISTAN AND AFGHANISTAN MILITARY COOPERATION.—The President shall encourage the Governments of Pakistan and Afghanistan to engage in greater military cooperation to promote greater trust and transparency between them, including greater communication and coordination between their respective military, border security, and counter-narcotic units operating on both sides of the border between Pakistan and Afghanistan.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, and every six months thereafter until September 30, 2008, the President shall transmit to the appropriate congressional committees a report on the implementation of subsections (a) and (b). The report required by this subsection may be included in the report required by section 304 of the Afghanistan Freedom Support Act of 2002 (as amended by section 302 of this Act).

(d) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 213. TRAINING FOR MILITARY PERSONNEL OF FOREIGN COUNTRIES THAT ARE TO BE DEPLOYED FOR SECURITY OPERATIONS IN AFGHANISTAN.

Chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.) is amended by adding at the end the following new section:

''SEC. 550. TRAINING FOR MILITARY PERSONNEL OF FOREIGN COUNTRIES THAT ARE TO BE DEPLOYED FOR SECURITY OPERATIONS IN AFGHANISTAN.

''(a) TRAINING AUTHORIZED.—The President is authorized to furnish training under this chapter for military personnel of foreign countries that are to be deployed for security operations in Afghanistan, particularly in the areas of special operations, counter-insurgency, border security, counter-terrorism, and counter-narcotics.

''(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the President $10,000,000 for each of the fiscal years 2008 through 2010. Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.''.

SEC. 214. HUMANITARIAN ASSISTANCE FOR WAR VICTIMS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President should be commended for and should continue ongoing programs regarding assistance to innocent Afghan individuals or families of Afghan civilians who have suffered a serious loss during military operations conducted by United States forces.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the President shall transmit to the appropriate congressional committees a report on the feasibility of expanding programs of assistance described in subsection (a) to include—

(1) the provision of special additional assistance to families of Afghan civilians who were injured or killed during such operations and who were the primary source of income for such families;

(2) the provision of assistance in excess of $2,500 to families of Afghan civilians described in subsection (a); and

(3) the provision of other payments that might be required as a result of ongoing military operations in Afghanistan.

SEC. 215. SENSE OF CONGRESS CONCERNING UNITED NATIONS MANDATE IN AFGHANISTAN.

It is the sense of Congress that the United Nations Security Council should expand the United Nations mandate in Afghanistan to—

(1) authorize international civilian law enforcement missions in Afghanistan as a part of peace operations of the United Nations in Afghanistan;

(2) authorize the International Security Assistance Force to conduct counter-drug interdiction operations, consistent with ongoing operational activities and as opportunities arise, against the top narcotic traffickers, their operations, and their infrastructure in Afghanistan, with the concurrence of the Government of Afghanistan;

(3) install effective centralized authority within the United Nations Special Representative for Afghanistan such that the international community's political objectives can be prioritized and communicated directly with the Government of Afghanistan; and

(4) extend the authorization of the International Security Assistance Force beyond October 13, 2007.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. DONOR CONTRIBUTIONS TO AFGHANISTAN AND REPORTS.

Subsection (c)(1) of section 303 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7553) is amended—

(1) in the first sentence, by striking ''the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives'' and inserting ''the appropriate congressional committees''; and

(2) in the second sentence, by striking ''December 31, 2004'' and inserting ''December 31, 2010''.

SEC. 302. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) IN GENERAL.—Title III of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7551 et seq.) is amended by striking section 304 and inserting the following new section:

''SEC. 304. REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

''(a) REPORT REQUIRED.—Not later than December 1, 2007, and every six months thereafter until September 30, 2010, the President shall transmit to the appropriate congressional committees a report on a comprehensive set of performance indicators and measures for progress toward security and stability in Afghanistan.

''(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

''(1) With respect to stability and security in Afghanistan, the following:

''(A) Key measures of political stability, including the important political objectives that must be achieved over the next year to ensure that all segments of Afghan society become committed to the elected government in Kabul.

''(B) The primary indicators of a stable security environment in Afghanistan, such as the following:

''(i) The number of engagements per day by each of the following:

''(I) The Afghan forces, United States forces, and other Coalition forces.

''(II) ISAF.

''(ii) The numbers of trained Afghan security forces, including the Afghan National Army and the Afghan National Police.

''(iii) The trends relating to numbers and types of ethnic and religious-based hostile encounters.

''(C) An assessment of the estimated strength of the insurgency in Afghanistan and the extent to which it is composed of non-Afghan fighters, including whether insurgents are obtaining weapons and other military material from outside of Afghanistan and whether the insurgents are based in or use the territory of countries other than Afghanistan.

''(D) A description of the extent to which warlords in Afghanistan exercise effective control over personnel, natural resources, infrastructure, villages and towns, and material that should be under the direct sovereign control of the Government of Afghanistan, including—

''(i) an identification of each warlord and the extent and means of control that the warlord exercises over personnel, natural resources, infrastructure, villages and towns, and material that should be under the direct sovereign control of the Government of Afghanistan; and

''(ii) a description of actions undertaken by the Governments of the United States, Afghanistan, and countries participating in ISAF, individually or collectively, in the previous year to diminish and ultimately eliminate control by each warlord identified under clause (i) over the Afghan resources described in clause (i), and a description of actions that will be undertaken in the coming year.

''(E) A description of all militias, tribal forces, and terrorist and insurgent groups operating in Afghanistan, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate such militias, tribal forces, and terrorist and insurgent groups.

''(F) Efforts by ISAF to establish a unified command, unified rules of engagement, information detailing the specific restrictions placed by each country participating in ISAF, or any successor coalition force, on the military activities of its national military personnel within Afghanistan, an assessment of the impact of such restrictions on ISAF's effectiveness, and an assessment of the capabilities of ISAF forces, including any equipment and logistics shortages.

''(2) With respect to the training and performance of security forces in Afghanistan, the following:

''(A) The training provided to Afghan military and other Ministry of Defense forces and the equipment used by such forces.

''(B) Key criteria for assessing the capabilities and readiness of the Afghan National Army and other Ministry of Defense forces, including capability and readiness levels, including recruiting, training, and equipping such forces.

''(C) The operational readiness status of the Afghan National Army, including the type, number, size, and organizational structure of Afghan battalions that are—

''(i) capable of conducting operations independently;

''(ii) capable of conducting operations with the support of United States or Coalition forces or ISAF; or

''(iii) not ready to conduct operations.

''(D) The rates of recruitment, retention, and absenteeism in the Afghan National Army and the extent to which insurgents have infiltrated such forces.

''(E) The training provided to Afghan National Police and other Ministry of Interior forces and the equipment used by such forces.

''(F) Key criteria for assessing the capabilities and readiness of the Afghan National Police and other Ministry of Interior forces, including capability and readiness levels, including recruiting, training, and equipping such forces, including—

''(i) the number of police recruits that have received classroom or field instruction and the duration of such instruction;

''(ii) the number of experienced veteran police officers who have received classroom and field instruction and the duration of such instruction;

''(iii) a description of any vetting that police candidates receive, the number of candidates vetted, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

''(iv) the number of Afghan National Police forces that have received field training by international police trainers and the duration of such training; and

''(v) attrition rates and measures of absenteeism and infiltration by insurgents.

''(G) The estimated total number of Afghan National Army battalions needed for the Army to perform duties now being undertaken by United States, NATO, or Coalition forces, including securing the borders of Afghanistan and providing adequate levels of law and order throughout Afghanistan.

''(H) The effectiveness of the Afghan military and police officer cadres and the chain of command.

''(I) The number of United States and Coalition trainers, advisors, and mentors needed to support the Afghan security and associated ministries.

''(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

''(3) With respect to the economic and political stability of Afghanistan, the following:

''(A) An estimate of the annual budget for the Government of Afghanistan for the Afghan fiscal year, including the costs of operating and maintaining the Afghan security forces.

''(B) An estimate of the amount of Afghan Government revenue and the amount of international assistance for budget support for the Afghan Government.

''(C) An estimate of the amount of funds pledged by all major donors for the calendar year and the amounts committed, obligated, and expended during the reporting period.

''(D) An assessment of United States reconstruction assistance programs in Afghanistan, including—

''(i) a description of existing efforts to improve the monitoring and evaluation of the reconstruction assistance programs, including from the design of such programs through implementation and eventual transfer to the Government of Afghanistan;

''(ii) a description, by project, of ongoing and future reconstruction assistance programs and the amount of funding obligated and expended to carry out such programs, including programs in the security, rule of law, counter-narcotics, power, rural development, education, health, and governance and anti-corruption sectors;

''(iii) an analysis of completed reconstruction assistance programs, on a project basis, and a determination of the impact of and the benefits yielded from such programs on Afghanistan and its people;

''(iv) a description of ongoing efforts that have improved the employment situation in Afghanistan, including efforts that have created job opportunities and increased private sector development; and

''(v) a description of the progress made in implementing all of the elements of the Interim Afghanistan National Development Strategy, including—

''(I) the Afghanistan National Solidarity Program; and

''(II) the Afghanistan Compact, including a description of the goals and objectives in the Afghanistan Compact that have been achieved.

''(E) Key indicators of economic and political development activity that should be

considered the most important for determining the prospects of stability in Afghanistan, including—

''(i) unemployment levels;

''(ii) agricultural production;

''(iii) construction of roads, irrigation, and other basic infrastructure;

''(iv) education rates, particularly of girls;

''(v) electricity rates;

''(vi) hunger and poverty levels;

''(vii) illiteracy rates;

''(viii) maternal and infant mortality rates;

''(ix) appropriate measures for the protection of human rights;

''(x) appropriate measures for the protection of political and religious freedom and freedom of association;

''(xi) access of women to political and civil society participation; and

''(xii) appropriate measure for the protection of freedom of the press.

''(4) With respect to opium production and counter-narcotics activities in Afghanistan, the following:

''(A) An estimate of the number of hectares and amount of poppy production for the current year, including by province.

''(B) The number of hectares and the amount of poppy destroyed by eradication.

''(C) The number of counter-narcotics raids against drug labs, storage facilities, and caches, including the number of narcotics confiscated.

''(D) The number of raids against narcotics traffickers and the number of traffickers arrested, prosecuted, convicted, sentenced, and extradited, including high-value targets.

''(E) The number of Afghan counter-narcotics forces, including the Afghan National Counter-Narcotics Police, trained and equipped, the attrition rate of such forces, and the number of such forces available for counter-narcotics operations, including an assessment of the number of operations such forces conducted, the outcomes of such operations, and any additional resource needs of such forces.

''(F) The number and type of alternative livelihood programs, a description of where such programs have been conducted, and an assessment of the number of hectares planted with poppy in the year following such programs.

''(G) The amount and type of NATO and United States assistance provided to Afghan counter-narcotic teams in conducting raids and investigations, including close-air support and helicopter lift, and the number and type of requests for assistance by United States or Afghan counter-narcotics teams.

''(H) An assessment of Afghan efforts to extradite suspects to the United States and other countries, including—

''(i) a list of the persons whose extradition has been requested from Afghanistan, indicating—

''(I) those individuals who have been surrendered to the custody of United States authorities;

''(II) those individuals who have been detained by the authorities and who are being processed for extradition;

''(III) those individuals who have been detained by the authorities and who are not yet being processed for extradition; and

''(IV) those individuals who are at large;

''(ii) a determination of whether Afghan Government officials and entities receiving assistance from the United States are making good-faith efforts to ensure the prompt extradition of each of the persons sought by United States authorities; and

''(iii) an analysis of any legal obstacles in the laws of Afghanistan regarding prompt extradition of persons sought by United States authorities and the steps taken by authorities of the United States and the authorities of Afghanistan to overcome such obstacles.

''(c) UPDATE OF REPORT.—Not later than 90 days after the date of the transmission of each report required by subsection (a), the President shall transmit to the appropriate congressional committees an update of the report, to the extent necessary.

''(d) FORM.—The report required by subsection (a) shall be transmitted in unclassified form, but may include a classified annex, if necessary.

''(e) DEFINITION.—In this section, the term 'appropriate congressional committees' means—

''(1) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the House of Representatives; and

''(2) the Committee on Armed Services, the Committee on Appropriations, and the Committee on Foreign Affairs of the Senate.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 note) is amended by striking the item relating to section 304 and inserting the following new item:

''Sec. 304. Report on progress toward security and stability in Afghanistan.''.

SEC. 303. COMPREHENSIVE INTERAGENCY STRATEGY FOR LONG-TERM SECURITY AND STABILITY IN AFGHANISTAN.

(a) IN GENERAL.—Section 305 of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7555) is amended—

(1) in subsection (a)(1), by striking ''submit such strategy'' and all that follows and inserting ''submit such strategy to the appropriate congressional committees.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

''(b) COMPREHENSIVE INTERAGENCY STRATEGY.—

''(1) IN GENERAL.—The President shall formulate a comprehensive interagency strategy for long-term security and stability in Afghanistan which, in addition to the specific and measurable goals specified in subsection (a)(2), shall be composed of the elements specified in paragraph (2).

''(2) ELEMENTS.—The comprehensive interagency strategy required by paragraph (1) shall contain the following elements:

''(A) REINVIGORATED RECONSTRUCTION ACTIVITIES AND PROVINCIAL RECONSTRUCTION TEAMS.—A comprehensive interagency reconstruction strategy for Afghanistan, including objectives for the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) include a plan to implement all of the elements of the Interim Afghanistan National Development Strategy, including the Afghanistan National Solidarity Program, and the Afghanistan Compact, including a description of the goals and objectives that have yet to be achieved, and the impediments in achieving such goals and objectives;

''(ii) include a mechanism for tracking and oversight of the reconstruction funding provided by countries participating in ISAF and other donor countries, international organizations, and international financial entities, including a description of the progress by such parties in fulfilling their pledges of financial, technical, and other assistance;

''(iii) include a mechanism for tracking and increasing oversight of the reconstruction programs implemented by the provincial reconstruction teams, including the amount of reconstruction funding spent by such teams, the purpose of such funding, and the evaluation of the success of such programs;

''(iv) provide for a mechanism to enhance coordination between the Department of State and the United States Agency for International Development and other relevant departments and agencies of the United States Government in carrying out reconstruction programs, by—

''(I) coordinating existing and future efforts in the reconstruction programs carried out by the Department of State and the United States Agency for International Development with the reconstruction programs carried out by other relevant departments and agencies of the United States Government; and

''(II) coordinating existing and future efforts needed to achieve enhanced coordination between the Department of State and the United States Agency for International Development and other relevant departments and agencies of the United States Government in the design and implementation of reconstruction programs;

''(v) include a plan to enhance monitoring, evaluation, and oversight of reconstruction programs to ensure the effective impact of such programs on Afghanistan and its people;

''(vi) provide a plan to identify and implement critical reconstruction programs, by project, including in the areas of security, rule of law, counter-narcotics, power, rural development, education, health, and governance and anti-corruption, that will improve the security and economic stability of Afghanistan, and the amount of funding needed to implement such programs;

''(vii) include actions to significantly increase contributions from countries participating in ISAF and from other international partners for reconstruction programs, including in the areas of security, rule of law, counternarcotics, power, rural development, education, health, and governance and anti-corruption sectors;

''(viii) provide a plan to improve the employment situation in Afghanistan, including a plan to increase job creation opportunities and enhance private sector development in Afghanistan;

''(ix) include actions to ensure enhancement of the capacity of the Government of Afghanistan, on all levels, to respond to the needs of its people;

''(x) include actions to enhance the design and implementation of programs carried out by the Government of Afghanistan, on all levels, including efforts to increase funding and implementation of reconstruction programs carried out by the National Solidarity Program;

''(xi) include a plan to increase significantly the number of Provincial Reconstruction Teams (PRTs), particularly in the southern and eastern regions of Afghanistan by December 31, 2009, including a review of the operation of and lessons learned from existing PRTs prior to the preparation of the strategy;

''(xii) clarify a single chain of command and operations plans for PRTs, including their relationship with ISAF;

''(xiii) increase staffing, particularly staffing of civilian specialists, and increase staff training for PRTs;

''(xiv) incorporate measures to improve the effectiveness of PRTs in providing reconstruction and development assistance and in promoting security and stability in their areas of operations, including coordination between PRT civilian elements and ISAF reconstruction goals; and

''(xv) include efforts to ensure that a significant amount of the material, financial, and personnel support for the increase in the

number of PRTs is provided by foreign sources.

''(B) COUNTER-NARCOTICS STRATEGY.—A comprehensive interagency counter-narcotics strategy for Afghanistan, including objectives for the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) address the five pillars that comprise Afghanistan's counter-narcotics strategy and implementation plan: public information, rural development (alternative livelihoods), elimination and eradication activities, interdiction, and law enforcement and justice reform;

''(ii) identify the roles and responsibilities of relevant departments and agencies of the United States Government with respect to the activities described in clause (i);

''(iii) include the strategic direction of current and planned activities of the United States relating to counter-narcotics efforts in Afghanistan, and shall specifically include a description of steps that have been conducted and planned to—

''(I) improve coordination with all relevant departments and agencies of the United States Government;

''(II) strengthen significantly the Afghanistan National Counter-Narcotics Police;

''(III) build the capacity of the Afghan Government to assume greater responsibility for counter-narcotics related-activities;

''(IV) strengthen anti-corruption measures that target narcotics producers and traffickers and the individuals influenced by them;

''(V) improve counter-narcotics intelligence capabilities;

''(VI) strengthen narcotics-related interdiction activities;

''(VII) strengthen the capacity of the judicial sector to investigate, prosecute, and penalize narcotics producers and traffickers and government officials benefitting from narcotics-related activities;

''(VIII) effectively address any problems with eradication strategies; and

''(IX) significantly increase the focus on creating alternative livelihoods for the Afghan people;

''(iv) include current and planned actions to involve and coordinate with the United Kingdom and other appropriate international partners in supporting counter-narcotics efforts in Afghanistan.

''(C) SUSTAINABILITY OF THE AFGHANISTAN NATIONAL SECURITY FORCES.—A comprehensive interagency strategy for building and sustaining the Afghanistan National Security Forces (ANSF), including objectives for the strategy, a plan to implement the objectives of the strategy, and a long-term budget to carry out the strategy. The strategy shall—

''(i) include a mechanism for tracking funding, including obligations and expenditures, as well as equipment, training, and services provided for the ANSF by the United States, countries participating in the International Security Assistance Force, and other international partners;

''(ii) include actions to build and sustain effective Afghan security institutions with fully-capable leadership and staff, including—

''(I) a reformed Ministry of Interior, a fully-established Ministry of Defense, and logistics, intelligence, medical, and recruiting units (ANSF-sustaining institutions);

''(II) fully-trained, equipped, and capable ANSF in sufficient numbers;

''(III) strong ANSF-readiness assessment tools and metrics;

''(IV) a strong core of senior-level ANSF officers;

''(V) strong ANSF command, control, and communication between central ANSF headquarters and regions, provinces, and districts;

''(VI) a robust mentoring and advising program for the ANSF;

''(VII) a strong professional military training and education program for all junior, mid-level, and senior ANSF personnel;

''(VIII) effective merit-based salary, rank, promotion, and incentive structures for the ANSF;

''(IX) an established code of professional standards for the ANSF;

''(X) a mechanism for incorporating lessons learned and best practices into ANSF operations;

''(XI) An ANSF personnel accountability system with effective internal discipline procedures and mechanisms;

''(XII) a system for addressing ANSF personnel complaints; and

''(XIII) a strong record-keeping and accountability system to track ANSF equipment and personnel issues, and other ANSF oversight mechanisms; and

''(iii) provide for coordination between all relevant departments and agencies of the United States Government, as well as ISAF countries and other international partners, including on—

''(I) funding;

''(II) reform and establishment of ANSF-sustaining institutions; and

''(III) efforts to ensure that progress on sustaining the ANSF is reinforced with progress in other pillars of the Afghan security sector, particularly progress on building an effective judiciary, curbing production and trafficking of illicit narcotics, and demobilizing, disarming, and reintegrating militia fighters.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than December 1, 2007, the President shall transmit to the appropriate congressional committees an update of the report required by subsection (c) for 2007 that contains the comprehensive interagency strategy required by paragraph (1).

''(B) FORM.—The report required by subparagraph (A) shall be transmitted in unclassified form, but may include a classified annex, if necessary.''.

(b) MONITORING.—Subsection (c) of such section (as redesignated) is amended to read as follows:

''(c) UPDATES OF STRATEGY.—

''(1) IN GENERAL.—Not later than 90 days after the submission of the strategy required by subsection (b)(3), and every 90 days thereafter through September 30, 2010, the President shall submit to the appropriate congressional committees an update of the strategy required by subsection (a) and the strategy required by subsection (b), as necessary.

''(2) DEFINITION.—In this subsection, the term 'appropriate congressional committees' includes the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.''.

SEC. 304. SPECIAL ENVOY FOR AFGHANISTAN-PAKISTAN COOPERATION.

(a) STATEMENT OF POLICY.—Congress declares that it is strongly in the national interest of the United States that Afghanistan and Pakistan work together to address common challenges hampering the stability, security, and development of their region and to enhance their cooperation.

(b) ESTABLISHMENT.—The President is authorized to appoint a special envoy to promote closer cooperation between Afghanistan and Pakistan.

(c) APPOINTMENT.—The special envoy—

(1) shall be appointed with the advice and consent of the Senate and shall have the rank of Ambassador-at-Large; and

(2) may be appointed from among individuals who are officials of the Department of State.

(d) DUTIES.—

(1) IN GENERAL.—The primary responsibility of the special envoy shall be to coordinate United States policy on issues relating to bilateral relations between Afghanistan and Pakistan.

(2) ADVISORY ROLE.—The special envoy shall advise the President and the Secretary of State, as appropriate, and, in coordination with the Assistant Secretary of State for South and Central Affairs, shall make recommendations regarding effective strategies and tactics to achieve United States policy objectives to—

(A) stem cross-border terror activities;

(B) provide assistance to Afghan refugees who repatriate from Pakistan;

(C) bolster people-to-people ties and economic cooperation between Afghanistan and Pakistan, including bilateral trade relations; and

(D) offer comprehensive efforts to support effective counter-narcotics strategies in Afghanistan and Pakistan.

SEC. 305. TRANSIT THROUGH PAKISTAN OF SHIPMENTS BY INDIA IN SUPPORT OF RECONSTRUCTION EFFORTS IN AFGHANISTAN.

(a) STATEMENT OF POLICY.—It shall be the policy of the United States to use all appropriate means to encourage Pakistan to permit shipments by India of equipment and material to Afghanistan in support of Indian reconstruction and development projects in Afghanistan to be transported across the territory of Pakistan and to remove any obstacles to such transportation.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter until January 1, 2010, the President shall transmit to the appropriate congressional committees a report on actions by Pakistan to permit or impede transit of shipments described in subsection (a). The report required by this subsection may be included in the report required by section 304 of the Afghanistan Freedom Support Act of 2002 (as amended by section 302 of this Act).

(2) SUNSET.—The requirement to transmit the report under paragraph (1) shall cease to apply if the President determines and transmits to the appropriate congressional committees a determination that India no longer needs to make shipments to Afghanistan for the purposes described in subsection (a).

SEC. 306. REAUTHORIZATION OF RADIO FREE AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since January 30, 2002, RFE/RL, Incorporated (formerly known as Radio Free Europe/Radio Liberty) has provided 12 hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

(2) Radio Free Afghanistan is the leading broadcaster in Afghanistan with an audience of nearly 60 percent of the adult population.

(3) It is in the national interest to continue Radio Free Afghanistan's surrogate broadcasts to Afghanistan in order to provide accurate news and information, help give voice to ordinary Afghans, and provide programs on the fundamentals of democracy.

(b) AUTHORIZATION OF APPROPRIATIONS.—For each of the fiscal years 2008 through 2010, such sums as may be necessary are authorized to be appropriated to the Broadcasting Board of Governors for grants to support 12

hours of daily surrogate broadcasting services through Radio Free Afghanistan in Dari and Pashto languages to the people of Afghanistan.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 110–174. Each amendment may be offered only in the order printed in the report except amendment No. 11 which may be offered at any time, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. LANTOS

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–174.

Mr. LANTOS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. LANTOS:

Page 5, line 23, strike ''supports'' and insert ''is supported by''.

Page 5, line 25, strike ''a strategy'' and insert ''the core framework''.

Page 6, line 6, insert before the period the following: '', particularly at the local and provincial levels''.

Page 12, line 12, strike ''(B)'' and insert ''(C)''.

Page 12, line 13, strike ''(B)'' and insert ''(C)''.

Page 12, lines 19 through 25, move the margins of clauses (ii) and (iii) two ems to the left.

Page 18, line 3, insert ''helping women deliver healthier babies and'' after ''for the purpose of''.

Page 35, line 11, strike ''300,000,000'' and insert ''$300,000,000''.

Page 37, line 1, strike ''The President'' and insert ''Pursuant to the authorities of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) or section 23 of the Arms Export Control Act (22 U.S.C. 2763), the President''.

Page 43, line 16, strike ''to conduct'' and insert ''to participate in, to the extent appropriate and practicable,''.

Page 46, strike lines 1 through 4 and insert the following new subclauses:

(I) The Afghan forces.

(II) ISAF.

(III) Non-ISAF United States forces.

(IV) Other Coalition forces.

Page 47, beginning on line 10, strike ''and countries participating in ISAF'' and insert ''countries participating in ISAF, and other Coalition countries''.

Page 57, line 24, strike ''Affairs'' and insert ''Relations''.

Page 66, line 9, insert ''and'' after the semicolon.

Page 70, after line 17, insert the following new subsection:

(c) CONCURRENT SUBMISSION OF REPORT.—Such section is further amended by adding at the end the following new subsection:

''(d) CONCURRENT SUBMISSION OF REPORT.—The strategy required by subsection (b) and any updates of the strategy provided pursuant to subsection (c) shall be submitted concurrently with the report and updates required by section 304 of this Act (relating to progress toward security and stability in Afghanistan).''.

Page 71, line 24, strike ''who repatriate'' and insert ''to ensure orderly and voluntary repatriation''.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from California (Mr. LANTOS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. LANTOS. Mr. Chairman, I am offering this amendment on behalf of my distinguished colleague, the ranking Republican member, and myself.

Our amendment makes a number of technical, clarifying and clerical changes to several provisions in this bill as reported by the Committee on Foreign Affairs.

Mr. Chairman, this amendment has been cleared by both the Republican and Democratic sides, and I urge all of my colleagues to support it.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of and have no objection to this manager's amendment, which contains minor technical and conforming changes. I support this amendment's consideration by unanimous consent.

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

Mr. LANTOS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. LANTOS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. ACKERMAN

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–174.

Mr. ACKERMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ACKERMAN:

Page 51, after line 7, insert the following new subparagraph:

(J) An assessment of the quality of governance in each province in Afghanistan, including an assessment of the following:

(i) The implementation of the rule of law, including the effects of any lack of such implementation on operations of the Afghan National Army, Afghan National Police, and other Afghan National Security Forces.

(ii) Whether and to what extent actions by Afghan National Security Forces have led to abuses of human rights and the extent to which such abuses, if any, undermine overall counterinsurgency efforts in such province and Afghanistan as a whole.

(iii) The ability of courts and the judicial system to provide an effective justice system to support the civil-military side of military and police operations.

Page 51, line 8, strike ''(J)'' and insert ''(K)''.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from New York (Mr. ACKERMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

First, I want to congratulate Chairman LANTOS and Ranking Member ROS-LEHTINEN for producing an excellent bipartisan bill. The Afghanistan Freedom and Security Support Act demonstrates yet again the depth of support in the Congress for our efforts in Afghanistan to defeat the Taliban and al Qaeda and sends a clear message to the Government of Afghanistan and the Afghan people that the United States is committed to the success of a stable, free and democratic Afghanistan.

As the bill also points out, we remain far from that goal, and it is not at all certain we will get there. The amendment I am offering today concerns a problem that if left unaddressed could undercut all of our efforts in Afghanistan, and that is the problem of corruption.

The Government Accountability Office in a recent report said the reform effort in the judicial sector is being ''undermined by systemic corruption at key national and provincial justice institutions.'' The most recent report in Afghanistan from the U.N. Secretary General noted that because corruption influences government appointments, Afghans don't trust local government officials and have turned to making deals with the Taliban for protection of their property. The same report goes on to describe the popular alienation that many Afghans feel towards local governments and asserts that this alienation is a key factor in support for the insurgency.

My amendment adds language to section 302 of the bill to ensure that the Presidential report required by that section includes an assessment of the quality of governments in each province in Afghanistan, focusing in particular on the implementation of the rule of law and its impact on the operation of Afghan society, security forces and the impact of any human rights abuses by Afghan government forces on overall counterinsurgency efforts and the ability of the courts and judicial system to provide an effective justice system in support of Afghan military and police efforts.

Mr. Chairman, the question of corruption in Afghanistan may seem like a small matter when compared with the resurgence of the Taliban and the explosion of narcotics trafficking. But I believe for the Taliban to be defeated and for the narcotics traffickers to be imprisoned, ordinary Afghans must have confidence that their government actually works for them. If the citizens

of Afghanistan believe otherwise, then they will turn to local warlords, drug traffickers and the Taliban for protection. Under that scenario, Afghans can look forward to another generation of civil conflict.

I would urge all of our colleagues to support the amendment as well as the underlying bill.

Mr. LANTOS. Will the gentleman yield?

Mr. ACKERMAN. I would be delighted to yield to the chairman.

Mr. LANTOS. I want to thank my friend from New York for his very thoughtful amendment, and I am extremely pleased to support it.

Mr. ACKERMAN. I thank the gentleman from California.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, the amendment has a noble purpose, to enhance congressional oversight on the status of local governance in Afghanistan, including adherence to the rule of law, protection of human rights and operation of an effective justice system. Unfortunately, the amendment lacks specific criteria by which to measure these issues. It requires the administration to report, for example, on how the lack of implementation of the rule of law affects the operations of the Afghan National Army, the police and security forces. However, there are numerous factors that comprise the rule of law. How would this provision measure implementation of the rule of law?

Without a clear measure, how could any administration then state, with any degree of certainty, what effects the absence of such implementation had on the operations of Afghan security forces? It goes on to ask for an assessment on the ability of the Afghan judicial system to support the civil military side of military and police operations.

Again, a noble purpose, but there are no clear definitions, no guidelines to determine the information sought. Further, how could we establish a clear measure so that the administration can state how the actions of the Afghan security forces led to human rights abuses, and in turn, how much those abuses undermine counterinsurgency efforts? That is an extraordinary, complicated, causal chain, and some direction and clarification within the amendment itself, Mr. Chairman, would have been most useful.

We sought modifications to this amendment in an effort to arrive at an agreement on the text because I do support what my colleague from New York is trying to get at. We want to support the overarching goals of this bill, and his amendment is an attempt to do that.

I will continue to work closely with the gentleman from New York regarding his particular amendment to preserve its intent, to make sure that it can be effective in its implementation, but as currently drafted, I will have to oppose the amendment. I urge my colleagues to do the same.

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

Mr. ACKERMAN. Mr. Chairman, despite the fact that this might be a complicated and extraordinary and difficult thing for the President to do, we have every confidence in the President on this side that he will be able to come up at least with some criteria that he at least thinks is objective and report in his own language, using his own complicated or simplistic criteria, whether or not he thinks corruption is prevalent in the various provinces in Afghanistan. We are leaving that up to him. And we will fully understand that in any language that he presents it to us, it will come from him, and that will be his determination.

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

Ms. ROS-LEHTINEN. Mr. Chairman, I urge our colleagues to defeat this amendment, and I yield back the balance of my time.

Mr. ACKERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ACKERMAN).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. SOUDER

The CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–174.

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. SOUDER:

Page 39, line 1, insert ", including force protection and in extremis support" after "logistical support".

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, it is my intention to withdraw this amendment because of the strong opposition of Chairman SKELTON and Ranking Member DUNCAN HUNTER, but I appreciate the Rules Committee making this in order. I believe it is an important step.

I know I am going to rain a little bit on the general parade here. I think this is an important bill, it is an important step, but we have oversold the success of Afghanistan. Before my first trip, I knew then that our then Secretary of Defense, Donald Rumsfeld, wanted to separate the military effort in Afghanistan from other challenges the country faced, just like in Iraq.

In Afghanistan, the question was heroin. On my first trip there, I heard our own soldiers reflect the Pentagon attitude by mocking heroin and minimizing its efforts to get rid of it. I attended the briefings back here in Washington as the heroin problem began to pass anything we've ever seen under the Taliban by a factor of four to five times of anything we have ever seen under the Taliban. I asked the question, since we had not removed the regional drug lords from office, how many of the people who voted in that much heralded election could vote against their local drug lords.

State Department, Defense Department, DIA and CIA disagreed on the exact number. The highest was 30 percent, the lowest 20 percent. In other words, 70 to 80 percent of the people who voted in that election did not have a free vote because we did not remove the regional druglords from office, and we let the heroin poppy grow without controlling their sources of financing that had penetrated the early parts of the government.

This government has, in fact, started to act, as they attempted to assassinate President Karzai, who was clean, and he removed gradually some members of his cabinet. But by that time, the heroin, once again, four times world record, five times world record, four times world record, three times world record, approaching eight to 10 times the total cumulative effect that ever happened before the United States went into Afghanistan. We had sites that we could not hit because we were afraid they were going to shoot down our own planes.

What do we think they are buying the new IEDs with? What do we think they are buying the other equipment with? Of course they are getting it from profits from poppy.

I did a hearing in our subcommittee, because the British had this effort, "Afghanistan: Have the British Counter-Narcotics Efforts Gone Wildly?" On April 1, 2004. This is no new problem. Go arrest the druglords. Our military is afraid they are going to get exploded. How can you go arrest the drug lords?

My amendment was simply to say the military needs to support the antinarcotics efforts and the DEA to take down these. You can't send 10, 25 agents out and say go arrest and take down the Helman province. When I went with Congressman HOEKSTRA and Congressman RUPPERSBERGER and Congressman SHADEGG, the four of us went into the Helman province, possibly the only four Members that will ever get there. And when we got there in a Blackhawk ride for 45 minutes, heroin as far as the eye can see going at a high rate of speed. Dwarfed Columbia. This is an incredible problem. The military needs to engage.

I agree with Chairman SKELTON; we don't have enough troops in Afghanistan. And that makes it a problematic thing of how to support the DEA.

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This bill is a first step. But we need the military engagement and support,

because you cannot get order, you cannot do alternative crops unless you eradicate the heroin and change a little bit of the market force. We can't subsidize the difference between other products and heroin. It is not possible.

We can't do those efforts, and INL and the State Department and DEA and the other agencies cannot do this without military support. This needs to be addressed in the defense bill. It needs to be addressed here in conference.

I hope that the chairman here can do it. I hope Chairman SKELTON can do it. I hope the administration can do it. But let's understand there is no terrorism funding in Afghanistan. There is no insurgency efforts. There is no corrupt government if you get rid of the heroin.

This is a difficult problem. It is multi-faceted. But you need real protection, with real guns, with real transport, with real time, saying that they are going to give logistical support rather than force protection and extremist support, means and effect. For most of the time, the DEA agents are on their own, go in. With 10,000 Taliban, good luck in taking them down. They need more than good luck. They need some help.

Mr. Chairman, I yield to the chairman of the Foreign Affairs Committee, the gentleman from California (Mr. LANTOS).

Mr. LANTOS. Mr. Chairman, I want to thank my friend from Indiana for yielding, and I want to thank him for working with the committee. I understand the gentleman is going to withdraw his amendment, and I thank him for his courtesy.

I fully support his sentiment that is behind his amendment, and I will work with him on this issue as H.R. 2446 goes through the legislative process.

Mr. SOUDER. Mr. Chairman, I thank the distinguished chairman for his leadership for the start of this bill. I hope we can really tackle the underlying problems.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MR. COSTA

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–174.

Mr. COSTA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COSTA:

Page 29, after line 23, insert the following new section (and redesignate subsequent sections and conform the table of contents accordingly):

SEC. 106. ASSISTANCE TO SUPPORT THE OFFICES OF THE INSPECTOR GENERAL OF DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT IN AFGHANISTAN.

(a) ASSISTANCE AUTHORIZED.—The President shall provide assistance to support the auditing, investigation, and oversight capacity and capability of the Offices of the Inspector General of the Department of State and the United States Agency for International Development in Afghanistan. The Offices of the Inspector General of the Department of State and the United States Agency for International Development are authorized to audit, investigate, and oversee the programs authorized in title I of the Afghanistan Freedom Support Act of 2002 (as amended by this title).

(b) REQUIREMENT FOR IN-COUNTRY PRESENCE.—The Offices of the Inspector General of the Department of State and the United States Agency for International Development, after consultation with the Secretary of State and the Administrator for the United States Agency for International Development, shall permanently deploy not less than two staff from each of the Offices of the Inspector General in Afghanistan to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AVAILABILITY OF FUNDS.—Of the amounts authorized to be appropriated under section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated by this title) for each of the fiscal years 2008 through 2010, not less than $1,500,000 for each such fiscal year is authorized to be made available to the Office of the Inspector General of the Department of State and not less than $3,000,000 for each such fiscal year is authorized to be made available to the Office of the Inspector General of the United States Agency for International Development to carry out this section.

(2) RELATION TO OTHER AVAILABLE FUNDS.—Amounts made available under paragraph (1) are in addition to amounts otherwise available for such purposes.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from California (Mr. COSTA) and a Member opposed each will control 5 minutes.

The chair recognizes the gentleman from California.

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

Mr. Chairman, I think from many of the comments that have been made here this afternoon regarding the concerns that we have as it relates to the situation in Afghanistan, we come with the best of intentions to support H.R. 2446, which is the underlying bill, a strong bill; and I am, of course, among those who support this measure.

It affirms the United States' long-term commitment to support Afghanistan in the transition that has seen 30 years of civil war, violence and occupation by a brutal regime to a stable and prosperous democratic state at peace with its neighbors.

Having said that, though, it is easier said than done, as we all know, for Afghanistan faces many challenges. With the amount of funding that we have provided to the Afghani people for economic and security reasons, I believe that there is increased need to have the sort of oversight mechanisms in place to protect this investment, to ensure its success and, of course, to always make sure that American taxpayers' dollars are well spent.

My amendment provides this opportunity in two ways: It provides oversight that includes the Office of Inspector General at the State Department as well as the United States Agency for International Development to provide the necessary oversight within this bill that many of us believe is necessary.

The amendment to H.R. 2446 provides such support in two ways: in-country presence and funding. Without in-country presence and without the necessary funding, it won't happen.

Currently, the staff of the Office of Inspector General of the United States AID are performing their duties in Manila. Now, you take out a map and Manila is a long ways from Kabul in Afghanistan, which is the capital. We need to have on-the-ground knowledge in Afghanistan and programs that they are implementing, and they cannot perform those duties from Manila, which is thousands of and thousands of miles away.

Many of us have visited Afghanistan, and we have on-the-ground knowledge of what is critical to this war on terrorism. We must remember this is where the war on terrorism began, which premeditated the attacks on 9/11.

The amendment mandates that at least two staff members will be permanently deployed in Afghanistan in the country. The amendment also increases the funding for both the Offices of Inspector General in accordance with their own plans to increase staffing over the coming years. The Offices of the Inspector General are our watchdog, and they provide vital efforts to ensure that money is well spent in Afghanistan. We need to ensure that these American taxpayer dollars are spent wisely and that waste and corruption, which was mentioned by the previous speaker, is kept at bay, to the degree that it is possible.

In conclusion, let me say, Mr. Chairman, that we had tremendous success in South Korea, but we have been there over 50 years and we still have 30,000 troops there. The initial two decades in South Korea will be, in my opinion, as difficult as it is today in Afghanistan. Therefore, we must be prepared to put the proper resources there and to stay the course. I strongly support this bill.

Mr. LANTOS. Mr. Chairman, will the gentleman yield?

Mr. COSTA. I yield to the chairman.

Mr. LANTOS. Mr. Chairman, I want to thank my friend for his extremely thoughtful and very necessary amendment, and I am very pleased to support it strongly.

With billions of dollars being poured into reconstruction and development assistance, justifiably so, we have a heavy responsibility to the American people to ensure that our taxpayer dollars are being spent in the manner in which they were intended.

As the gentleman knows, we just had a hearing with the Inspector General for Afghanistan which was singularly

instructive and illuminating and highlighted many of the problems in the spending of our tax dollars in Afghanistan. This function is the function of the Inspectors General at the Department of State and the U.S. Agency for International Development.

Your amendment requires that these officers be permanently deployed in Afghanistan, which they are not currently, so that on-the-ground assessments can be made in real time and with full continuity. Your amendment authorizes additional funds to help ensure that adequate resources are allocated to measure the effectiveness of our aid program without increasing the cost of this bill.

Mr. Chairman, I strongly support this amendment and urge all of my colleagues to do so as well.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to the amendment.

The CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment both authorizes and requires oversight by the Inspectors General from the State Department and the U.S. Agency for International Development, and it does this in two main ways.

First, it requires the permanent deployment in Afghanistan of at least four IG staffers, two each from State and USAID, to audit, to investigate and to oversee economic and developmental assistance provided in Title I of the Act.

Secondly, it also earmarks a total of $4.5 million per year for these IG activities.

We all share the goal of ensuring that our investment in Afghanistan's economic and democratic development is not squandered. Fiscal accountability is always in order, Mr. Chairman. As a proportion of the total amounts in the Act, the amount earmarked by this amendment is roughly in the ballpark of the amount that USAID usually spends on IG activities as compared to its total budget. Furthermore, the activities contemplated by this amendment are in keeping with the current responsibilities of the State and USAID Inspectors General.

Solid plans that help maximize the impact of the strategy embodied in the underlying bill are to be welcomed. In this spirit, I am pleased to support this well-thought-out amendment by the gentleman from California; and I also urge my colleagues to support it as well.

Mr. COSTA. Mr. Chairman, will the gentlewoman yield?

Ms. ROS-LEHTINEN. I yield to the gentleman from California.

Mr. COSTA. Mr. Chairman, I would like to thank the gentlewoman, the ranking member, and the chairman of the Committee on International Relations for their good work on this legislation and for their bipartisan effort to provide leadership in our committee and in all the hearings that we are holding and in the legislation that we are participating in.

The bipartisan spirit which I think surrounds the committee these days is welcomed and is truly a tribute to the chairman and the ranking member.

Ms. ROS-LEHTINEN. Reclaiming my time, Mr. Chairman, I would also like to thank Chairman LANTOS as well as his staff for having such a wonderful, cooperative spirit and for the working relationship between staff and Members.

I thank the gentleman from California for offering this amendment, because it gets at the heart of what we want to do: fiscal accountability; making sure that our tax dollars are being used in the wisest way, free of corruption, and making sure that we have folks on the ground to look at those dollars. We have our precious treasure, our men and women in uniform, shedding blood for freedom. Let's make sure that American taxpayer dollars are being used in the correct way as well.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. COSTA).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. FRANKS OF ARIZONA

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–174.

Mr. FRANKS of Arizona. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FRANKS of Arizona:

Page 44, after line 5, insert the following new section (and conform the table of contents accordingly):

SEC. 2__. REPORT ON THE SALE AND USE OF IRANIAN-MADE WEAPONS FOR THE TALIBAN IN AFGHANISTAN.

(a) CONGRESSIONAL FINDING.—United States Armed Forces in Afghanistan recently intercepted a shipment of Iranian-made weapons and explosives intended for the Taliban in Afghanistan.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 6 months thereafter, the Secretary of Defense shall transmit to the appropriate congressional committees a report on the current Iranian-made weapons being sold to or used by the Taliban in Afghanistan. The report shall include any evidence of official Iranian Government endorsement of the sale of the Iranian-made weapons.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

The CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Arizona (Mr. FRANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FRANKS of Arizona. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, according to Secretary of Defense Gates, Iranian weapons have begun to flow into Afghanistan in recent months. We know this much for certain. What we do not know is if indeed this is an official sanction of the Iranian government.

However, some in the intelligence community believe that this effort is on the part of a branch of the Iranian Revolutionary Guard, which are responsible for shipping these deadly weapons to the Taliban. If this is true, Mr. Chairman, the implications must be realized by this Congress, because it means that Shiite Iran is disregarding sectarian differences with Sunni Taliban in order to unite with them in an effort to undermine U.S. efforts for peace in the nascent democratic Afghanistan.

Mr. Chairman, this means that the nation of Iran is determined to back non-state Muslim militants to terrorize countries who desire peace, tolerance and stability. We saw them do this last year in Lebanon through their proxy Hezbollah against the nation of Israel. We now see this happening in Iraq as well.

There are two major elements, Mr. Chairman, when we consider the danger of an enemy to this Nation. We first have to assess their intention or the will of an enemy to harm the U.S. or our allies. It is clear that the Taliban, Hamas, Hezbollah and groups like them hate governments like ours that uphold the rule of law and uphold the effort to protect freedom of action, thought and religion. They hate the United States because of this, Mr. Chairman. They hate a tolerant Europe, they hate the new democratic Afghanistan, they hate pluralistic Israel and they hate Lebanon. They have an insidious and determined will to tyrannize. They need only the means or the capacity to bring that hate to fruition.

Mr. Chairman, this is the second element. A true threat exists to this Nation's freedom when those who are committed to tyranny and to disrupt peace are met with the means and the capacity to do so. Iran is providing the means to non-state terrorist actors who possess the will to use them.

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We must not let this continue. My amendment requires that the Secretary of Defense provide Congress with a semiannual report that informs us of the Iranian-made weapons being provided to the Taliban, and any evidence that the sale is endorsed by the government of Iran.

Mr. Chairman, it is vital that this body understands the intention of Iran

because they may some day very soon possess a very frightening capacity that threatens the potential future of the world and the peace of free people across the world.

I encourage my colleagues to support this amendment.

I would now like to yield to the distinguished ranking member of the committee, Congresswoman ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding.

I rise in strong support of the Franks amendment. Since last April, two arms shipment from Iran, including mortars, rocket-propelled grenades, C–4 explosives and small arms have reportedly been intercepted by U.S. and coalition troops.

Further, a NATO spokesman recently stated that an explosively formed projectile, EFP, which resembled the EFPs bearing Iranian manufacturing markings that have been found in Iraq, have been recently discovered in Kabul. This directly affects the safety and security of our men and women serving in Afghanistan. As I pointed out previously, my daughter-in-law is one of those wearing our Nation's uniform serving in Afghanistan. We want to make sure that we protect everyone in that country.

These disturbing developments may indicate that the Iranian regime has decided to also undermine the government of Afghanistan and U.S. efforts to deny Islamic militants a safe haven in Afghanistan.

While fighting in Afghanistan has thus far been concentrated near the Pakistani border, increased Iranian interference in Afghanistan may indicate an attempt to provoke the U.S. and our coalition partners into opening a second front. Iran's apparently increasing involvement in this central front of the global war against radical jihadists reflects the goal of the regime of pursuing regional dominance, spreading radical Islam, and counteracting western influence in the region. Such a goal is intolerable. As in Iraq, failure in Afghanistan is not an option.

Mr. Chairman, the Afghanistan Freedom and Security Support Act works to bolster our efforts, and I support the Franks amendment.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN (Mr. POMEROY). Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, the Committee on Foreign Affairs has long been concerned with events in Iran, including recent media reports of weapons crossing into Afghanistan from Iran destined for the Taliban. This can create the potential for Iran to contribute to the destabilization of Afghanistan, which we simply cannot allow. Congress must have up-to-date information on Iran's influence in Afghanistan. And I, therefore, welcome the gentleman's amendment in this regard, and we are prepared to accept the gentleman's amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FRANKS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–174.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. JACKSON-LEE of Texas:

Page 25, line 20, strike ''and''.

Page 25, line 24, strike the first period, the closing quotation marks, and the second period and insert ''; and''.

Page 25, after line 24, insert the following new subparagraph:

''(I) providing technical assistance to train provincial and local governmental personnel, especially as it relates to—

''(i) healthcare;

''(ii) political participation;

''(iii) human rights, particularly as pertaining to women; and

''(iv) education, particularly to encourage girls to complete secondary education so they are prepared and able to attend post-secondary schools.''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume, and I thank the chairman and the ranking member for their leadership on this issue.

Earlier in the debate I mentioned the concept of building blocks of democracy. Frankly, I believe this amendment speaks to the building of capacity to ensure that democracy.

Having first started my elective political career in local government, I know that many times we say that is where the rubber hits the road.

The effort of my amendment is to ensure that those who are involved in local and State government would have the ability to build capacity through technical assistance that will train national, provincial and local government personnel for capacity-building purposes.

In order to govern, you must have information, information on education, health care, human rights, and political participation. This legislation globally speaks to those issues in a large manner.

I would like to technically emphasize the one-on-one training and influence and information to those who have to govern. The more we can do that, the more we can build capacity. And the more of those who are in the leadership positions can establish confidence so that when they confront the emerging terror of the Taliban or the questioning face of a chieftain, they can have the response that this is, in fact, good government.

My amendment also goes to encourage girls in Afghanistan to finish secondary school. We realize this bill has a very strong focus on women and girls, but there has to be the added measure of incentive, not only to the earlier grades, but to say to a young woman that by finishing secondary school, you can go on to post-secondary education, building the blocks of democracy which would include women who would be enabled to be doctors, lawyers, scientists and teachers, building a society in Afghanistan that will need not only men but also women.

May I close by simply saying I point to a picture that points to this learning board that I mentioned earlier. These are the kinds of tools that would give young people and those without, if you will, various equipment to go to school the opportunity to do so. I ask my colleagues to support this amendment.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 2446, the ''Afghanistan Freedom and Security Support Act of 2007.'' I believe this is an extremely important piece of legislation, and I commend the Chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it.

In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure the nation from the Taliban. But we must do more; otherwise, a resurgent Taliban will continue to pose a very real threat to Afghanistan's stability.

This bill is an important step toward a more secure Afghanistan, and, ultimately, a more stable region. It authorizes $1.7 billion in each of fiscal years 2008 through 2010 for economic and development assistance and provides additional support for other capacity building programs, such as assistance to women and girls ($45 million per annum), energy development and counter-narcotics ($75 million per annum). Additionally, the bill authorizes funding for counter-narcotics efforts and programs to increase the capacity of Afghan national, provincial, and local governments, and additional development programs.

In addition to authorizing assistance to address the continuing humanitarian needs, this legislation targets the ongoing opium trade, as well as persistent problems of corruption. The bill links these various sectors of policy together, integrating security, reconstruction, and development concerns with counter-narcotics and anti-corruption policies.

My amendment simply states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes. In particular, this amendment emphasizes the need to build local capacity in the critical fields of

education, healthcare, human rights, and political participation. My amendment will also encourage girls in Afghanistan to finish secondary school, providing them with the ability to pursue post-secondary education.

Mr. Chairman, this amendment is born from my strong belief that we must take a long-term view toward reconstruction in Afghanistan, and, in doing so, we must develop the capacity of Afghanistan's citizens. Under the Taliban regime, education, healthcare, human and women's rights, and political participation were seriously stunted by the government's oppressive policies. These sectors are absolutely crucial to the long-term stability and sustainability of Afghanistan.

My amendment specifically speaks to the need to combat the lingering societal barriers that may discourage girls from completing secondary education. According to UNICEF's 2005 estimates, 1 million primary school age girls in Afghanistan were not enrolled in school, and education of girls continues to be undervalued in many communities.

Girls and women were horribly oppressed under the Taliban, and we must take particular care to ensure that the lack of opportunities afforded to females under the previous leadership is not carried over into the current government. Encouraging girls to complete their education would be extremely beneficial for both the women and girls themselves, and for Afghan society as a whole.

Mr. Chairman, we have recognized the shortcomings of Afghanistan's infrastructure. Even as we express our commitment to continuing our programs in Afghanistan, we must look forward to the day we will ultimately leave that country to stand on its own. We must do everything we can to ensure that, sooner rather than later, Afghanistan will no longer need our ongoing assistance.

My amendment represents an important step toward that ultimate goal, while at the same time serving our short-term goals and increasing the effectiveness of the humanitarian programs outlined by this legislation.

To conclude, let me thank Chairman LANTOS for his leadership on this issue. I am confident that we can work together to craft legislation designed to ensure that Afghanistan can recover from the excesses and abuses of previous regimes, and become an active and prosperous member of the international community. I urge my colleagues to support this amendment.

Mr. LANTOS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from California.

Mr. LANTOS. I want to thank my friend from Texas for her thoughtful amendment, and I am very pleased to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise today in support of the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) stating that technical assistance should be provided to train national, provincial and local government personnel for capacity-building purposes as it relates to education, health care, human rights, and particularly in respect to women and political participation.

As we have heard this afternoon, Mr. Chairman, under the Taliban's brutal regime, their blatant disregard for the lives and the well-being of the Afghan people, was perhaps most clearly evident among half of their population, the women of Afghanistan. They have been made destitute, sick and marginalized. They were banned from receiving any education past the age of 8. They were denied proper medical treatment, and they were not allowed to work.

Today, the Afghan people are free with women enjoying the freedoms and opportunities previously denied to them under the Taliban. In order for our efforts in Afghanistan to be effective, it is critical that we continue to provide the Afghan people with the tools and the training necessary for the development and sustainability of educational institutions, protection of human rights, and implementation of political reforms.

It is imperative that our efforts focus on educating and training the officials of the Afghan government at the local level as local officials have a better understanding of the needs of their citizens and will be better prepared to address those needs.

This amendment also seeks to ensure that girls complete secondary education so they will be better suited to pursue their post-secondary education. Without proper education of its women and a society more open to women who holding jobs, Afghanistan's political and economic development is doomed to failure.

Providing Afghan girls with proper education will give rise to a new generation of confident and educated women with skills to pursue careers that will open unprecedented opportunities for them and enhance Afghanistan's economic sector. I urge my colleagues to support the Jackson-Lee amendment.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlelady for her support, I ask my colleagues to support this amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON-LEE OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–174.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. JACKSON-LEE of Texas:

Page 35, after line 22, insert the following new subsection:

(c) ADDITIONAL SENSE OF CONGRESS.—Such section is further amended by adding at the end the following new subsection:

''(d) ADDITIONAL SENSE OF CONGRESS.—It is the sense of Congress that assistance provided to eligible foreign countries and international organizations under subsection (a) should be used in part to protect women legislators when they return to the provinces that they represent in Afghanistan.''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I want to join Chairman LANTOS in applauding this legislation as being bipartisan, and all of us seemingly speaking from the same songbook about the need to build these blocks of democracy, but also to enhance the opportunities for women.

Might I just cite as a need for my amendment a report from the BBC that says an international women's rights group says guarantees given to Afghan women after the fall of the Taliban in 2001 have not translated into real change.

Another quote from an Afghan woman: ''When I am at home, sometimes I feel as though someone is choking me.'' And 57 percent of girls are married before the legal age of 16.

We know that we have made great strides, but there is much more for us to do. Former example, a controversial Afghan politician and former member of parliament, Jalalai Joya, reported in May 2006 that she was forced to sleep in a different house every night as a result of the numerous death threats they have received. She has been quoted as saying ''women still live under the shadow of the gun. Women are still victims of violence.'' Joya was subsequently ousted from parliament after she continuously voiced controversial criticisms of her fellow, mostly male, lawmakers.

Raazia Baloch was presented with a broken Kalashnikov firearm upon her election to the provincial assembly, which local authorities told her was for her protection. Ms. Baloch serves a particularly volatile province where, short after her election, an unknown gunman emptied his AK–47 into a van leaving the province's women's ministry.

The unfortunate truth is if these women are going to serve, they are going to need our special attention. And I do believe in the relationship that the United States has with Afghanistan. The leadership of President Karzai, speaking to him directly, I know he has a great concern for the viability of women elected officials. In

fact, might I say that in a direct, one-on-one conversation with any number of Afghan women parliamentarians during my visit to Afghanistan, talking to them face to face, eye to eye, sister to sister, if you will, they made it very clear when they do their work in the capital, and they have to go home to their district, just like any one of us, they fear for their lives. They are concerned about being able to fully represent their constituents by going home and coming back safely.

Might I just quote additionally, a female owner of a radio station was shot seven times while she slept at home with her 20-month-old son. She is the second female journalist to be murdered in Afghanistan in the past week.

So my amendment is very clear, and it is very straight. It allows us through this legislation to make a very pronounced statement, and that statement is that it is the sense of this Congress that assistance provided to foreign countries and international organizations under this provision should be used in part to protect these female legislators. I hope this is part of helping us help them build democracy.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 2446, the Afghanistan Freedom and Security Support Act of 2007. I believe this is an extremely important piece of legislation, and I commend the chairman of the Committee on Foreign Affairs, Mr. LANTOS, for introducing it. In the nearly 5 years since the 9/11 attacks, and the subsequent ouster of the Taliban and al-Qaeda from Afghanistan, we have made significant efforts to secure the nation from the Taliban; however, the Taliban continues to pose a very real threat to Afghanistan's stability.

This bill is an important step towards a more secure Afghanistan, and ultimately, a more stable region. It authorizes $1.7 billion in each of fiscal years 2008 through 2010 for economic and development assistance and provides additional support for other capacity building programs, such as assistance to women and girls, $45 million per annum, energy development and counter narcotics, $75 million per annum. Additionally, the bill authorizes funding for counter-narcotics efforts and programs to increase the capacity of Afghan national, provincial, and local governments, and additional development programs.

In addition to authorizing assistance to address the continuing humanitarian needs, this legislation targets the ongoing opium trade, as well as persistent problems of corruption. The bill links these various sectors of policy together, integrating security, reconstruction, and development concerns with counter-narcotics and anti-corruption policies.

My amendment addresses the very serious issue of persecution of women legislators in Afghanistan. All women, but particularly those who demonstrate the courage to become national leaders, continue to face intimidation and violence. If we are to encourage political and civic participation among women, which I strongly advocate, we must ensure that those who bravely venture into the political arena are protected when they return home to the districts they represent.

After many years of oppressive Taliban control, women in Afghanistan are now beginning to emerge from the shadows. For the first time in recent memory, they now have the opportunity to take an active role in their country's political destiny. As a female legislator myself, I believe that women should be strongly encouraged to become national leaders; I believe their involvement is extremely beneficial to the nation.

And yet, these women face specific dangers as a result of their gender. They may be exposed to vile threats and even physical violence. For example, controversial Afghan politician and former Member of Parliament Malalai Joya reported in May 2006 that she was forced to sleep in a different house every night as a result of the numerous death threats she received. She has been quoted as saying "women still live under the shadow of the gun. * * * women are still victims of violence." Joya was subsequently ousted from parliament after she continuously voiced controversial criticisms of her fellow, mostly male, law-makers.

In 2006, another legislator, Raazia Baloch, was presented with a broken Kalashnikov firearm upon her election to the provincial assembly, which local authorities told her was for her protection. Ms. Baloch serves a particularly volatile province, where, shortly after her election, an unknown gunman emptied his AK–47 into a van leaving the province's women's ministry.

The unfortunate truth is that women's rights are not yet enshrined in Afghanistan. Women who venture into other leadership roles are threatened as well. Only this morning, Zakia Zaki, the female owner of an Afghan radio station, was shot seven times while she slept at home with her 20 month-old son. She is the second female journalist to be murdered in Afghanistan in the past week.

This further illustrates the unfortunate truth: Women continue to face persecution and abuses, despite the fall of the Taliban. Until we have reached a point where the basic rights of women are protected by Afghanistan's government and cultural and social institutions, I believe that we need to make every effort to ensure that basic rights are respected.

I believe my amendment is absolutely crucial. With residual societal barriers against women and girls persisting even under the new government, I believe we must make every effort to protect women legislators from the persecution and violence they may face in their local communities.

[From the BBC News, Oct. 31, 2006]

NO "REAL CHANGE" FOR AFGHAN WOMEN

(By Pam O'Toole)

An international women's rights group says guarantees given to Afghan women after the fall of the Taleban in 2001 have not translated into real change.

Womankind Worldwide says millions of Afghan women and girls continue to face systematic discrimination and violence in their households and communities.

The report admits that there have been some legal, civil and constitutional gains for Afghan women.

But serious challenges remain and need to be addressed urgently, it states.

These include challenges to women's safety, realisation of civil and political rights and status.

Womankind Worldwide sent a film crew to Afghanistan to investigate the situation of women there.

They found a young Afghan woman crying in hospital who said she wanted to die. She was recovering after setting fire to herself.

Womankind Worldwide says there has been a dramatic rise in cases of self-immolation by Afghan women since 2003.

It believes many are the result of forced marriages, thought to account for about 60% to 80% of all Afghan marriages.

57% of girls are married before the legal marriage age of 16.

Domestic violence remains widespread.

At an Afghan women's shelter, a young woman told the film crew that she came to the shelter to target life's troubles.

"I come here so I can ease the pain a little. When I am at home sometimes I feel as though someone is choking me," she told the film crew.

Womankind Worldwide says the Afghan authorities rarely investigate women's complaints of violent attacks.

Women reporting rape run the risk of being imprisoned for having sexual intercourse outside marriage.

Although women now hold more than 25% of the seats in the Afghan parliament, female politicians and activists often face intimidation or even violence.

"Women who are standing up to defend women's rights are not being protected," says Brita Fernandes Schmidt of Womankind Worldwide.

"My message, really, to the international community is: you need to address specific security issues for women," she says.

"Women's rights activists are getting killed, women's NGO workers are getting killed, and that is not going to change unless some drastic action is taken," Ms Fernandes continues.

Womankind Worldwide says the international community needs to fulfil promises made after the fall of the Taleban to help protect Afghan women.

It says the international community should give women a greater voice in setting the aid and reconstruction agenda.

Until basic rights are granted to Afghan women in practice as well as on paper, the report says, it could not be said that the status of Afghan women had changed significantly in the past five years.

I yield to the gentleman from California (Mr. LANTOS).

□ 1615

Mr. LANTOS. Mr. Chairman, I want to thank my friend from Texas for offering another needed, thoughtful and carefully crafted amendment; and I'm very pleased to support it.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Mr. Chairman, I reserve my time.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Florida is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of this amendment offered by our distinguished colleague from Texas (Ms. JACKSON-LEE) supporting efforts to bolster women's political participation by protecting female legislators when they return to the provinces they represent.

This important amendment includes a sense of Congress stating that assistance provided to foreign countries and international organizations under this provision should be used in part to protect these female legislators.

It is no secret that Afghan women were brutalized under the Taliban rule. They were frequently beaten, raped, kidnapped and killed. They had no access to education nor health care and were routinely singled out for abuse simply because they were women. They lived in nightmarish conditions that few of us could even imagine.

Five years after the fall of the Taliban, the women of Afghanistan are making substantial progress in reclaiming their rightful place in society. They are working as doctors, lawyers, teachers, civil servants and in numerous other professions.

These women have overcome unimaginable obstacles, and they deserve our ongoing support as they work to build a new democracy. We must continue to work to ensure that they are not threatened, nor intimidated nor physically harmed by those who seek to bring Afghanistan back to the oppressive and brutal times experienced under the Taliban regime.

As part of the work that my daughter-in-law does in her military service in Afghanistan, Lindsay encounters many Afghan women and is impressed with the great progress they have made in such a brief time. Let us not go back in time.

Women legislators in Afghanistan are currently targets of attacks perpetrated by Islamic militant extremists. We must enhance the efforts in providing a safe and secure environment for these women to allow them to pursue their legislative duties and encourage future generations of women to seek leadership positions in Afghan society.

I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the remainder of our time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I thank the ranking member for her support and eloquent words on this issue and as well the chairman of the committee for his support.

Let me conclude by simply reading the headline of an article: Female Afghan and Pakistani Politicians Forced from Office. This is as late as Wednesday, May 23, 2007.

Let me thank my colleagues. I believe my amendment will further enhance our goals, and that is to provide opportunities for all of those in public life, including women in Afghanistan seeking to build the building blocks of democracy, and I ask my colleagues to support my amendment.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–174.

Mr. KIRK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. KIRK:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section:

SEC. 3_. ELIGIBILITY IN CERTAIN CIRCUMSTANCES FOR AGENCIES OF THE GOVERNMENTS OF AFGHANISTAN AND PAKISTAN TO RECEIVE A REWARD UNDER THE DEPARTMENT OF STATE REWARDS PROGRAM.

(a) ELIGIBILITY.—Subsection (f) of section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(f)) is amended—

(1) by striking ''(f) INELIGIBILITY.—An officer'' and inserting the following:

''(f) INELIGIBILITY.—

''(1) IN GENERAL.—An officer'';

(2) in paragraph (1), as so designated by paragraph (1) of this subsection, by inserting '', except as provided in paragraph (2),'' before ''of a foreign government''; and

(3) by adding at the end the following new paragraph:

''(2) EXCEPTION IN CERTAIN CIRCUMSTANCES.—The Secretary may pay a reward to an officer or employee of the government of Afghanistan or Pakistan (or any entity thereof) who, while in the performance of his or her official duties, furnishes information described in such subsection, if the Secretary determines that such payment satisfies the following conditions:

''(A) Such payment is appropriate in light of the exceptional or high-profile nature of the information furnished pursuant to such subsection and such information relates in any way to the commission of an act in Afghanistan.

''(B) Such payment may aid in furnishing further information described in such subsection.

''(C) Such payment is formally requested by such agency.''.

(b) CONFORMING AMENDMENT.—Subsection (b) of such section (22 U.S.C. 2708(b)) is amended in the matter preceding paragraph (1) by inserting ''or to any officer or employee of a foreign government in accordance with subsection (f)(2)'' after ''individual''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. KIRK. I thank the Chairman.

I also want to thank my partners in this effort, Chairman LANTOS and Ranking Member ROS-LEHTINEN, because their support for this amendment was critical.

Mr. Chairman, one of the most successful counter-terror programs run by the United States is not managed by the Defense Department or the CIA. It is the State Department's Rewards for Justice Program run by Mrs. Rachel Schindel-Gombis.

By offering rewards, we have brought a number of criminals to justice who killed Americans both here and abroad. One of our proudest successes was the program's production of matchbook covers, like this one here. Tipped off by a face and a telephone number on a matchbook, a Pakistani citizen provided a key tip for the arrest of Mir Amal Kansi, the man who murdered two Americans outside the CIA's gate here in Virginia. Thanks to this program, Kansi was arrested, extradited, convicted and executed for the cold-blooded murders he committed, as was the famous al Qaeda terrorist Ramsi Yousef.

As a congressional staff member, I drafted the amendments to this program that first opened this up to the arrest of United Nations war criminals, specifically people indicted for war crimes by the tribunals for Rwanda and Yugoslavia. The program has helped bring dozens of mass murderers to justice, fulfilling some of the highest and best ideals of the United States when we promised ''never again'' after liberating the Nazi death camps.

As a Member of Congress, I coauthored the legislation for this program that allowed varied rewards and mass media campaigns. I took action on this after conducting missions on the Afghan-Pakistan border where I learned that tribesmen in that region would not respond as strongly to a $100,000 cash award but would respond more strongly to an offer of say one kilo of gold or a new motorcycle.

Using this new authority, the State Department launched an unprecedented multilingual campaign that yielded dozens of new contracts for the arrest of senior al Qaeda and Taliban leaders.

One target stands above all, and that is the arrest of Osama bin Laden for the murder of 3,000 Americans on September 11, 2001. By many accounts, bin Laden and the core leadership of al Qaeda and the Taliban are hiding in the frontier autonomous tribal areas of Pakistan or in the border provinces of Afghanistan. The Rewards for Justice Program has helped to arrest several senior Taliban and al Qaeda leaders but not bin Laden or his number two, Ayman Al Zawahiri.

The amendment before us builds on the extensive legislative tradition of this program, bipartisan, effective and flexible, to make it more likely that the world's most wanted men pay for the murder of thousands of Americans.

In this amendment, we authorize the State Department to pay rewards to anyone in Afghanistan or Pakistan, including government employees, if the information leads to the arrest of ''exceptionally high-profile'' targets.

Mr. Chairman, the support for Osama bin Laden, like this poster here which went out in English as well as many in Urdu and Dari, remains high. For us, we need to rely on sometimes the only assets we have in this region which are government employees in the service of Afghanistan or Pakistan; and if they can provide the information that leads to the arrest of Osama bin Laden or Ayman Al Zawahiri, then we should gladly pay for this justice.

Mr. Chairman, I have discussed this amendment with senior officials in the White House who expressed their support. I will note the receipt of talking points from the State Department bureaucracy received this morning that

expressed concerns, and my reaction is that the officials who authored these points may work for someone, but they do not serve the American people. Their points are poorly written and disconnected and reflect strongly on a disappointing State Department tradition of sometimes serving an obscure academic point but not America's citizens or their future security.

If we can arrest bin Laden, we should. If reward money helps to lead to his arrest, we should pay it. This program should be run in the most flexible and effective manner possible so that the greatest mass murderers in American history should meet their final justice.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. KIRK. I yield to the gentlewoman from Florida, one of my partners on this.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois (Mr. KIRK).

The search and the long hunt for Osama bin Laden and other major radical Islamic terrorists we want brought to justice in the Afghanistan-Pakistan region requires new ideas and new tools for law enforcement and those who are involved in this initiative. Mr. KIRK's amendment represents such an initiative, by improving our terrorist rewards program to reflect the reality of what we face on the ground.

Our terrorist rewards program has been a valuable and successful tool, and I urge my colleagues to adopt the Kirk amendment.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I'm not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

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

As you well know, a version of this amendment has passed before on the floor of this House. I welcome any incentives that help to prevent elements of al Qaeda and the Taliban to engage in further international terrorist and criminal acts, and I strongly support this amendment in the hope that it might lead at long last to the capture of Osama bin Laden.

Mr. Chairman, I yield back the balance our time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–174.

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. KUCINICH:

Page 43, after line 6, insert the following new subsection:

(c) CONTRIBUTION TO POST-OPERATIONS HUMANITARIAN RELIEF FUND.—Of the amount appropriated pursuant to subsection (a) of section 110 of the Afghanistan Freedom Support Act of 2002 (as redesignated by title I of this Act), $500,000 for each of the fiscal years 2008 through 2010 shall be available for a United States contribution to the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

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

In Afghanistan, as is true of all wars, bombs have missed their targets, civilians have been maimed and killed, property's been destroyed. Both homes and families have been devastated and literally torn apart.

As the United States seeks to abate terrorists, we must also learn to avoid the unintended consequences related to our foreign policy. One approach is to accept responsibility when we harm innocent civilians and provide compensation for the impact that war has had on civilian lives that are accidentally caught in the crossfire.

The United States has a moral obligation to help the innocent civilians of Afghanistan, whose lives have been devastated by war, to rebuild their lives and their country. The United States must live up to this moral obligation by providing humanitarian assistance for innocent victims of war who are harmed by combat operations.

Currently, the U.S. military has two systems in place that provide monetary compensation to civilians who, as a consequence of U.S. military action, have been accidentally harmed.

The Foreign Claims Act provides for the compensation of civilians who have been injured, died or whose property's been damaged from noncombat activities and negligent or wrongful acts.

Alternatively, condolence payments can be paid by the U.S. military directly to victims, or their survivors, who suffer a physical injury, death or property damage in amounts not to exceed $2,500.

Congress should support the Foreign Claims Act and condolence payment systems to the greatest extent possible as this money helps innocent people of Afghanistan rebuild their lives.

Today's bill, the Afghanistan Freedom and Security Support Act of 2007, seeks to increase the maximum amount of condolence payments; and I commend this action and urge the President to heed the intent of Congress in this matter.

There's another avenue for the United States to make major gains. Brigadier Richard E. Nugee, chief spokesperson for the North Atlantic Treaty Organization, recognized that NATO forces had killed dozens of civilians in Afghanistan in 2006, and here's what he had to say. ''The single thing that we have done wrong and we are striving extremely hard to improve on is'' the unfortunate killing of innocent civilians.

NATO, realizing their past mistakes and in an effort to advance goodwill and allay resentment among Afghans caused by innocent civilian casualties, established a post-operations humanitarian relief fund, placed under the ISAF's Commander's discretion, to compensate Afghans harmed by combat operations.

□ 1630

This NATO program is alike in its objective to both the Condolence Payment system and the Foreign Claims Act. This system is noble in its intent.

I urge the United States to show its commitment to the people of Afghanistan, to honor our promise to win their minds and hearts by increasing the functionality of the NATO humanitarian assistance program for innocent war victims.

This amendment shows the commitment of the U.S. people to Afghanistan by diverting $500,000 to the Post-Operations Humanitarian Relief Fund of the U.N. International Security Assistance Force. The international fund has received contributions from the Czech Republic, Lithuania, the Netherlands and Sweden. By diverting this money the United States is sending a message to and joining with NATO and the international community to show our commitment to the people of Afghanistan.

The Campaign for Innocent Victims in Conflict, CIVIC, founded by Marla Ruzicka, who worked tirelessly in Afghanistan to win compensation for civilian war victims before she was killed by a car bomb in Baghdad in 2005, supports that commitment.

Mr. Chairman, I would like to insert in the RECORD a letter of endorsement from Campaign for Innocent Victims in Conflict.

CAMPAIGN FOR INNOCENT
VICTIMS IN CONFLICT,
June 5, 2007.

Hon. TOM LANTOS,
House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Having recently returned from Kabul, I write in support of H.R. 2446, as offered by Mr. Kucinich on June 5, 2007.

The civilian death toll in Afghanistan has become alarming, with both sides responsible for civilian casualties. While NATO forces work hard to avoid harming civilians, we know that in war accidents happen and the families of those innocent people killed

and injured need—and, frankly, deserve—immediate assistance.

Several NATO countries recently created the Post-Operations Humanitarian Relief Fund (POHRF)—a compensation war chest under NATO's commander with the potential to give Afghan civilians much needed assistance. However, only four NATO countries have donated and the amount raised is not nearly enough to truly make a difference to the Afghan people.

As H.R. 2446 requests on page 43, line 7, the United States should lead the way by donating the relatively nominal amount of $500,000 to POHRF. Showing—not merely telling—other NATO countries how to ''win hearts and minds'' demonstrates American leadership and humanity on behalf of innocent Afghans suffering losses.

NATO's mission in Afghanistan cannot succeed without the trust and support of the Afghan people, as you are seeing with civilian protests and discontent in the headlines. To win that trust, NATO—with the United States leading the way—should dignify civilians harmed by its forces with the help they deserve.

I hope you will join in urging NATO countries to support POHRF by supporting this amendment ensuring a United States contribution to this important fund. After all, Afghanistan will be won or lost 1 civilian at a time.

Sincerely,

SARAH HOLEWINSKI,
Executive Director.

CIVIC states that ''The civilian death toll in Afghanistan has become alarming, with both sides responsible for civilian casualties. While NATO forces work hard to avoid harming civilians, we know that in war, accidents happen and the families of those innocent people are killed and injured need—and, frankly deserve—immediate assistance.

''NATO's mission in Afghanistan cannot succeed without the trust and support of the Afghan people, as you are seeing with civilian protests and discontent in the headlines. To win that trust, NATO—with the United States leading the way—should dignify civilians harmed by its forces with the help they deserve.''

If the United States truly desires to win the hearts and minds of people in Afghanistan, we must consider how the destruction and loss of life hurts those who are trying to resurrect their lives and their country. While no dollar amount can truly be equated to a human life, we can have a substantial impact on the rebuilding of the lives torn apart by the war.

War causes wreckage, pain and suffering for many innocent civilians who must endure life in a war zone. It's easy to understand how the innocent may become angry or disillusioned with combat forces. As such, it's in the interests of the United States to ensure proper levels of humanitarian assistance.

I am urging my colleagues to join me in support of this amendment to direct additional and much-needed assistance to the innocent citizens of Afghanistan who deserve our help to rebuild their lives and their countries.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition to this amendment.

The Acting CHAIRMAN. The gentlewoman from Florida is recognized for 5 minutes.

Ms. ROS-LEHTINEN. The issue of providing compensation to Afghan civilians is one whose efficacy is not questioned. Our brave troops on the ground offer such support through the allocation of the Commander's Emergency Response Program funding and other avenues that allow U.S. forces to compensate civilians for the damage caused due to ongoing U.S. operations.

However, the manner by which my esteemed colleague from Ohio, my good friend, Mr. KUCINICH, seeks to go about addressing this issue would establish an extremely troublesome precedent regarding our operations in and our policy toward Afghanistan.

Simply put, U.S. taxpayer funds, U.S. assistance for Afghanistan, should not be used to fund long-term compensation programs under the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force for damage caused by foreign forces and not U.S. forces.

By contrast, the underlying bill acknowledges ongoing U.S. efforts to support war victims affected by U.S. operations and then calls for a feasibility study to be conducted in order to assess if there is a need to expand U.S. assistance to Afghan civilian war victims.

The Kucinich amendment, however, seeks to circumvent this necessary precursor, essentially prescribing a solution to this problem before the diagnosis is received, and, again, seeking to assign U.S. responsibility for the actions of others. The United States could work diplomatically with participant nations to ensure that they make proper and substantially greater contributions to this relief fund.

However, I find it to be outside of the parameters for the U.S. assistance to Afghanistan to cover the international forces where they have fallen short, thereby putting the onus on the United States to step up financially for damages that we have not created.

Mr. Chairman, I strongly urge my colleagues to vote against this amendment.

Mr. LANTOS. Mr. Chairman, winning the hearts and minds of the Afghan people is crucial to our success in Afghanistan.

This amendment seeks to bolster that support by providing more resources to a fund operated by the International Security Assistance Force, led by NATO, which seeks to assist those Afghan individuals and families who have suffered injuries due to unintended military operations.

Currently, there are a handful of NATO countries who contribute to this fund, and it is important for the United States to show leadership in this area. With our contribution, other NATO allies will also be encouraged to participate.

Mr. Chairman, I support this amendment and urge my colleagues to do so as well.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KUCINICH. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Ohio will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. TERRY

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–174.

Mr. TERRY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TERRY:

Page 26, after line 12, insert the following new subsection:

(j) PRIORITY TO U.S. ORGANIZATIONS FOR GRANTS TO AID IN THE REVITALIZATION OF AFGHANISTAN.—In awarding grants to nongovernmental organizations to aid in the revitalization of Afghanistan, including to assist the people of Afghanistan to create and sustain quality economic and educational systems, under section 103 of the Afghanistan Freedom Support Act of 2002 (as amended by this section), the United States Agency for International Development should give priority to organizations based in the United States that have an established and cost-effective record of developing and administering such programs of assistance in Afghanistan.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Nebraska (Mr. TERRY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I come here today with the common sense and hopefully consensus amendment that directs USAID to give priority to organizations based in the United States when awarding grants to NGOs to rebuild Afghanistan.

The experience and expertise of U.S. organizations in public institutions to rebuild Afghanistan should be utilized and recognized by USAID. It's also a fact that when people of Afghanistan see Americans helping to rebuild their schools and providing teachers and helping their economy, that a true and positive perception of our Nation increases.

My straightforward amendment states that USAID should give priority consideration to U.S.-based organizations that have a proven track record of assisting young nations like Afghanistan to educate its children and teach them skills that will lead to economic growth and revitalization.

The Center for Afghanistan Studies at the University of Nebraska's Omaha campus is a great example of a proven institution, experienced institution, in providing cost-effective services to Afghanistan, as well as other nations,

that has experience in administering programs within Afghanistan, and teaching the people of Afghanistan, and yet were not considered to be a subcontractor with USAID.

There are undoubtedly many more examples of expertise and assistance from United States programs dedicated to the betterment of nations and their citizens. It seems only right that USAID give priority to U.S. organizations with established records of service and success.

I urge my colleagues' support.

Mr. Chairman, I yield to the gentlelady from Florida (Ms. ROS-LEHTINEN), the ranking member.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by my distinguished friend from Nebraska (Mr. TERRY).

This important amendment requires the U.S. Agency for International Development to give priority in awarding grants to nongovernmental organizations, to those based in the United States that have an established and cost-effective record in developing and administering such programs within Afghanistan.

In addition, it focuses on organizations that specialize in the teaching of the people of Afghanistan how to create and sustain quality economic and educational system. In this respect, U.S.-based organizations, with a proven track record of accountability and cost-effectiveness and the development and administration of such programs in Afghanistan, should be granted priority in the grant process.

This amendment is necessary, both as a means of ensuring accountability at all levels of the contracting process, and for proper oversight by Congress.

I thank my colleague and friend for introducing this important amendment, and I strongly urge its adoption.

Mr. TERRY. Mr. Chairman, I reserve the balance of my time.

Mr. LANTOS. Mr. Chairman, I ask unanimous consent to claim the time in opposition to the amendment, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Chairman, I support the underlying premise of the gentleman's amendment that assistance should be provided through organizations that have a cost-effective record of administering programs in Afghanistan. I am also gratified that the gentleman made some modifications to the original version of his amendment.

As H.R. 2446 reflects, we must continue to assist the Afghan people in creating and sustaining economic and development systems for themselves. We must continue to endow the Afghan government, Afghan organizations and the Afghan people with the necessary know how, expertise and resources so they can lead a free, stable and prosperous Afghanistan.

I believe that this amendment strikes the right balance in calling for USAID to prioritize organizations that have a cost-effective record of administering programs in Afghanistan, while allowing for assistance to Afghan entities as well.

On that basis, the amendment is acceptable to our side.

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

Mr. TERRY. I thank the chairman for his instructive input, advice, counsel and kind words and acceptance of the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. VAN HOLLEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–174.

Mr. VAN HOLLEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. VAN HOLLEN:

Page 17, line 17, strike ''and''.

Page 17, line 19, strike the first period, the closing quotation marks, and the second period and insert ''; and''.

Page 17, after line 19, insert the following new clause:

''(ix) promoting the empowerment of citizens at the local level in the decision-making process, including reconstruction and economic development decisions.''.

Page 62, beginning on line 16, insert '', create an environment conducive to Afghan small business development,'' after ''opportunities''.

The Acting CHAIRMAN. Pursuant to House Resolution 453, the gentleman from Maryland (Mr. VAN HOLLEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. VAN HOLLEN. Let me begin by congratulating the chairman of the Foreign Affairs Committee, Mr. LANTOS, and the ranking member, Ms. ROS-LEHTINEN, for their wonderful bipartisan work on this very important legislation, which sends a signal that the United States remains fully engaged in making sure we have a secure Afghanistan, and that we build on what has happened to date and make sure that we continue to have a situation that demonstrates a continuing investment by the United States.

I think if you look back over history, we made a big mistake, when we disengaged from Afghanistan, after the Soviet withdrawal. We had helped, of course, support the Mujahedin, the freedom fighters, that was the right thing to do.

But when the Soviets left Afghanistan, so did we. And that left a vacuum that the Taliban exploited, Afghanistan became a failed state, al Qaeda found a home there, and we know the rest of the story, the terrible attacks of September 11, 2001. Even to this day, we have not yet finished the job in Afghanistan in terms of hunting down al Qaeda and Osama bin Laden, and essentially destroying the network that caused those terrible attacks of September 11, 2001.

But even as we continue that action, we need to make sure we provide for stability in Afghanistan for the longer haul, so we do not create another situation where other terrorists can take advantage of a failed state.

That requires we work in partnership with the Afghan government and the international community to make a long-term investment in Afghanistan's stability. That involves, making sure, that in addition to large infrastructure projects and important investments that we make, that we also make sure that we empower the Afghan people and make sure that they understand that we continue to have a stake and they have a stake, obviously, in their future and in building their economy. That's what this amendment that I am offering today relates to.

According to a recent GAO report, despite the expenditure of billions of U.S. dollars, reconstruction efforts in Afghanistan still have lacked a strategic focus. I know that is the major thrust of this bill, and I, again, want to commend our leadership for putting this important piece together.

As you know, this bill requires, among other things, that the President design a comprehensive interagency strategy for long-term security and stability. But in addressing these issues, issues that will impact heavily on the lives of ordinary Afghan citizens, it's essential that we make sure that we leverage one of Afghanistan's greatest assets in that decision-making process. That is the Afghan people themselves.

□ 1645

And while it does support local-led development programs such as the National Solidarity Project, the bill, I think, would also benefit and be strengthened by additional focus on involving the Afghan people at the local level in decision making. And that is why I'm proposing this amendment that requires the President to include as any part of his Afghanistan strategy an emphasis on empowering Afghan citizens in that decision making.

Economic development is a major source of concern, obviously, to the Afghan people. The CSIS, the Center for Strategic and International Studies, recently released the second in a series of post-conflict assessments of progress in Afghanistan and reported that, despite a marked improvement in the economy, Afghans continue to suffer from unsteady employment and economic insecurity. So this amendment addresses those issues. Just, again, emphasizes what I know is the overall

thrust of this legislation, the importance of making sure we include the Afghan people at the grassroots level in decisions that affect their future.

Again, I want to thank the chairman, Mr. LANTOS, and the bipartisan support this overall effort has had; and I urge the adoption of the amendment.

Mr. LANTOS. Will the gentleman yield?

Mr. VAN HOLLEN. I will be delighted to yield.

Mr. LANTOS. I want to thank the gentleman for his singularly thoughtful and carefully crafted amendment, and I'm very pleased to support it.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise to claim time in opposition, although I am not opposed to this amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized for 5 minutes.

There was no objection.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in support of the amendment offered by my distinguished colleague and my friend, the gentleman from Maryland (Mr. VAN HOLLEN).

This amendment seeks to promote the empowerment of citizens at the local level in the decision-making process, including reconstruction and economic development.

One of the key elements necessary to achieve success in Afghanistan is enhancing and promoting citizen participation in the reconstruction and economic development efforts in that country.

Citizens making decisions is a critical part in a democratic society, and this will enhance Afghanistan's political and economic institutions. Local participation, local decision-making will allow the Afghan people to take charge of their own lives and make decisions based on the needs of their local communities.

In addition to ensuring security, fighting the illicit illegal narcotics trade, related terrorist activities, developing the infrastructure for a sustainable democratic central government, the economic situation must also improve if Afghans are to have confidence in their own future and if they are to build upon the progress they have achieved thus far.

A lack of success in the economic forum has the potential to undermine political developments. It could risk demoralizing the aspirations of Afghan citizens and could jeopardize their ability to actively shape their destiny.

The United States must work hard to ensure that Afghanistan is never again a haven for terrorists, a major source of narcotics, or a source of instability or oppression towards its citizens.

Again, I thank the gentleman from Maryland for introducing this important amendment. I strongly urge my colleagues to support it.

And before I yield the remainder of our time to my good friend and our fearless leader, Chairman LANTOS, I want to thank the excellent staff that has been working on our Republican side with the Democratic side on forging this strong bill; and perhaps next time, Mr. LANTOS, we will come to the floor wearing tie-dyed T-shirts and love beads and singing Kumbaya.

Mr. Chairman, I yield the remainder of our time to Chairman LANTOS.

Mr. LANTOS. As we close discussion and debate, Mr. Chairman, let me first express my appreciation to my friend and colleague, the ranking Republican member of the committee, for her exceptional leadership on this matter. Let me thank all of my Republican and Democratic colleagues who have worked so hard on this matter.

But I particularly want to express my personal thanks to the committee staff on both sides, specifically, Matthew Zweig and John Mackey on the Republican side of the committee staff, as well as all other members of the Republican staff, and on our side, Manpreet Anand, Robin Roizman, David Fite and our extraordinary general counsel, David Abramowitz.

We have done good bipartisan work, and I think the Congress did some useful work today.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. VAN HOLLEN).

The amendment was agreed to.

Mr. LANTOS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VAN HOLLEN) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5:15 p.m. today.

Accordingly (at 4 o'clock and 52 minutes p.m.), the House stood in recess until approximately 5:15 p.m.

□ 1717

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. CASTOR) at 5 o'clock and 17 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 5, STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–179) on the resolution (H. Res. 464) providing for consideration of the Senate bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 65, LUMBEE RECOGNITION ACT

Mr. MCGOVERN, from the Committee on Rules, submitted a privileged report (Rept. No. 110–180) on the resolution (H. Res. 465) providing for consideration of the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes, which was referred to the House Calendar and ordered to be printed.

AFGHANISTAN FREEDOM AND SECURITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 453 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2446.

□ 1718

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, with Mr. ANDREWS (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 10 printed in House Report 110–174 by the gentleman from Maryland (Mr. VAN HOLLEN) had been disposed of.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 7 by Mr. KIRK of Illinois.

Amendment No. 8 by Mr. KUCINICH of Ohio.

The Chair will reduce to 5 minutes the time for the second vote in this series.

AMENDMENT NO. 7 OFFERED BY MR. KIRK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 419, noes 1, not voting 17, as follows:

[Roll No. 435]

AYES—419

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

NOES—1

Kucinich

NOT VOTING—17

Becerra
Cantor
Christensen
Conyers
Faleomavaega
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Kaptur
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

□ 1745

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. KUCINICH

The Acting CHAIRMAN (Mr. POMEROY). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 260, not voting 18, as follows:

[Roll No. 436]

AYES—159

Abercrombie
Ackerman
Allen
Baca
Baldwin
Bean
Berkley
Berman
Berry
Bishop (NY)
Blumenauer
Bordallo
Boswell
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castor
Clarke
Cleaver
Clyburn
Cohen
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Ellison
Emanuel
Engel
Eshoo
Farr
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Herseth Sandlin
Higgins
Hill
Hinchey
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Slaughter
Solis
Space
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth

NOES—260

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cubin
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emerson
English (PA)
Etheridge
Everett
Fallin
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hinojosa
Hobson
Hoekstra

Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stupak
Sullivan
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—18

Andrews
Becerra
Cantor
Christensen
Conyers
Faleomavaega
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Mollohan
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1753

Mr. HINOJOSA changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no other amendments before the House, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KIND) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) to reauthorize the Afghanistan Freedom Support Act of 2002, and for other purposes, pursuant to House Resolution 453, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. PENCE

Mr. PENCE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PENCE. Yes, I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Pence moves to recommit the bill H.R. 2446 to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with the following amendment:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section (and conform the table of contents accordingly):

SEC. 3_. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) It is of grave concern that General Peter Pace, the Chairman of the Joint Chiefs of Staff, stated in late April 2007 that United States and Coalition forces ''have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran''.

(2) Iran's provision of weaponry and technological expertise to terrorist and criminal elements operating in Afghanistan have reportedly included—

(A) 107 mm mortars, rocket-propelled grenades, C–4 explosives, and small arms;

(B) surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard;

(C) explosively-formed projectiles, one of which was recently discovered in Kabul; and

(D) Iranian 240 mm rockets, with a range of up to 30 miles, which have been used recently by Shiite extremists against United States and British targets in Basra and Baghdad.

(3) An increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Taliban, other terrorist organizations, and criminal elements has the potential to significantly change the battlefield in Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition, and Afghan casualties.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the ability of the United States to respond to Iranian-supported or facilitated attacks against United States Armed Forces or interests in Afghanistan.

The SPEAKER pro tempore. The gentleman from Indiana is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise in strong support of this motion to recommit with instructions. Part of my responsibilities here in the Congress are that I serve as the ranking Republican member on the Middle East Subcommittee on the Committee on Foreign Affairs. As such, I have been intimately involved in the development of the underlying legislation and am strongly supportive of it.

But I think it is also imperative that we adopt this motion to recommit and add language that addresses an issue of great concern to the United States of America, to Afghanistan, and to the free world.

Mr. Speaker, we are receiving numerous reports that Iranian-made arms are being shipped to Afghanistan and transferred to the Taliban and other radical Islamic forces that seek to kill U.S. troops and Afghan forces.

□ 1800

This past April, General Peter Pace, the chairman of the Joint Chiefs of Staff, confirmed that, ''We have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran.''

This past Monday, on a visit to Kabul, Defense Secretary Robert Gates noted that the weapons are flowing not only to the Taliban but to drug traffickers as well. ''There have been indications over the past few months of weapons coming in from Iran. Some weapons,'' he said, ''are coming into Afghanistan destined for the Taliban, but perhaps also for criminal elements involved in the drug trafficking coming from Iran.''

The arms transferred reportedly include mortars, rocket-propelled grenades, C–4 explosives, surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard, and rockets with a 30-mile range.

Most disturbingly, an explosively formed projectile, an EFP, similar in characteristics to the Iranian-made ones that have killed our soldiers in Iraq, were recently discovered in Kabul.

Given Iran's unceasingly hostile rhetoric and actions in opposition to the United States, our interests and our allies, and given that these weapons were made in Iran, it is very reasonable to draw the conclusion that the Iranian regime transferred these arms to the Taliban.

We cannot allow Iran to undermine U.S. efforts and kill our soldiers in Afghanistan or to return that country to the status of a failed State and pave the way for increased terrorism against the West.

What we must do, simply, is to confront and respond to any efforts to subvert our efforts and kill our troops in Afghanistan.

As General Pace noted, ''I think we should continue to be aggressive inside of Iraq, and aggressive inside of Afghanistan, in attacking any element that's attacking U.S. and coalition forces, regardless of where they come from.''

If we are to be vigilant in protecting the lives of our soldiers and our allies' soldiers and security forces, we cannot tie the hands of our President and our commanders in the field. They need to have every option at their disposal and opportunity to combat an insidious threat from Iran that appears to be supplying weapons to our enemies.

Accordingly, we offer this motion to recommit which explicitly states that the Afghanistan Freedom and Security

Support Act does not limit America's ability to respond to attacks that Iran supports or facilitates against our forces or interests in Afghanistan.

As the United States begins to engage Iran diplomatically, we must also make it clear that we will defend our allies and our interests in Afghanistan with all the means at our disposal.

Mr. Speaker, our relationship with Iran should be described as follows: one hand extended in diplomatic negotiation and another hand resting lightly on the holster of the arsenal of democracy.

Mr. Speaker, in support of our troops, in support of freedom and stability in Afghanistan, I call on my colleagues on both sides of the aisle to strongly support this motion to recommit.

Mr. LANTOS. Mr. Speaker, I ask unanimous consent to claim the time in opposition to this motion, although I'm not opposed to the motion.

The SPEAKER pro tempore. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. LANTOS. Mr. Speaker, this has been a bipartisan bill from the very beginning. We have incorporated ideas from both sides of the aisle into this legislation. The recommittal motion has no practical effect whatsoever.

Nothing in the legislation before the House would prohibit the United States from responding to an Iranian military attack on the United States forces or interests in Afghanistan. In fact, no statute prohibits the President from ordering a response to military attacks upon our Nation or upon our Armed Forces.

However, this motion does not provide for taking any military action outside Afghanistan, nor should it. Therefore, I will support this motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. PENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes, if ordered, on further proceedings in recommittal; passage of the bill; and suspension of the rules with respect to H.R. 2560.

The vote was taken by electronic device, and there were—ayes 345, noes 71, not voting 16, as follows:

[Roll No. 437]

AYES—345

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Kagen
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Ortiz
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOES—71

Abercrombie
Baldwin
Berry
Capps
Capuano
Carson
Clarke
Clay
Cleaver
Cummings
Davis (IL)
DeFazio
Delahunt
Doggett
Ellison
Eshoo
Filner
Frank (MA)
Gilchrest
Green, Al
Grijalva
Gutierrez
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kilpatrick
Kucinich
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Markey
Matsui
McCollum (MN)
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Miller, George
Moore (WI)
Murtha
Neal (MA)
Olver
Paul
Payne
Rahall
Sánchez, Linda T.
Schakowsky
Serrano
Solis
Stark
Thompson (CA)
Thompson (MS)
Tierney
Velázquez
Waters
Watson
Welch (VT)
Woolsey
Wu
Wynn

NOT VOTING—16

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Peterson (MN)
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1821

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. LANTOS. Mr. Speaker, pursuant to the instructions of the House in the motion to recommit, I report H.R. 2446 back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PENCE:

At the end of title III of the bill (relating to miscellaneous provisions), insert the following new section (and conform the table of contents accordingly):

SEC. 3__. UNITED STATES POLICY TOWARD IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) It is of grave concern that General Peter Pace, the Chairman of the Joint Chiefs of Staff, stated in late April 2007 that United States and Coalition forces ''have intercepted weapons in Afghanistan headed for the Taliban that were made in Iran''.

(2) Iran's provision of weaponry and technological expertise to terrorist and criminal elements operating in Afghanistan have reportedly included—

(A) 107 mm mortars, rocket-propelled grenades, C–4 explosives, and small arms;

(B) surface-to-air missiles reportedly supplied by the Iranian Revolutionary Guard;

(C) explosively-formed projectiles, one of which was recently discovered in Kabul; and

(D) Iranian 240 mm rockets, with a range of up to 30 miles, which have been used recently by Shiite extremists against United States and British targets in Basra and Baghdad.

(3) An increase in both the quantity and quality of Iranian arms shipments and technological expertise to the Taliban, other terrorist organizations, and criminal elements has the potential to significantly change the battlefield in Afghanistan, and lead to a large increase in United States, International Security Assistance Force, Coalition, and Afghan casualties.

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the ability of the United States to respond to Iranian-supported or facilitated attacks against United States Armed Forces or interests in Afghanistan.

Mr. LANTOS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

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

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. LANTOS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 16, as follows:

[Roll No. 438]

AYES—406

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

NOES—10

Berry
Duncan
Flake
Goode
Hinchey
Jones (NC)
Kucinich
McDermott
Paul
Stark

NOT VOTING—16

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Pickering
Radanovich
Ryan (OH)
Shuster
Tancredo
Towns

□ 1832

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2446, AFGHANISTAN FREEDOM AND SECURITY SUPPORT ACT OF 2007

Mr. LANTOS. Mr. Speaker, I ask unanimous consent that the Clerk may be authorized to make technical corrections in the engrossment of H.R. 2446, to include corrections in spelling, punctuation, section numbering and cross-referencing, and the insertion of appropriate headings.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HUMAN CLONING PROHIBITION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2560, 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 Colorado (Ms. DEGETTE) that the House suspend the rules and pass the bill, H.R. 2560.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 204, nays 213, not voting 15, as follows:

[Roll No. 439]

YEAS—204

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)

Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Kagen
Kennedy
Kilpatrick
Kind
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pascrell
Pastor
Payne
Perlmutter
Price (NC)
Ramstad
Rangel
Reichert
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn
Yarmuth

NAYS—213

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

NOT VOTING—15

Andrews
Becerra
Cantor
Conyers
Hastings (FL)
Holden
Hunter
Jefferson
Jones (OH)
Pallone
Pickering
Ryan (OH)
Shuster
Tancredo
Towns

□ 1841

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

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

DALLAS-FORT WORTH INTERNATIONAL AIRPORT'S ''WELCOME HOME A HERO'' PROGRAM

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in strong support of House Resolution 391, recognizing the employees of the Dallas-Fort Worth International Airport, the North Texas Commission, the USO, and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program.

The ''Welcome Home a Hero'' program is a daily gathering of volunteers to celebrate the homecoming of soldiers returning from Iraq, Afghanistan and Kuwait.

The tremendous effort has made the ''Welcome Home a Hero'' program one of the largest ongoing community service efforts in North Texas; and these committed employees have given of their time so that our troops, as well as their families, can be welcomed.

On June 12, the 500,000th soldier will come home for a well-deserved 2 weeks of rest and recuperation, and I'm proud to share that the ''Welcome Home a Hero'' program in the Dallas-Fort Worth International Airport has been selected by the U.S. military to host this celebration; and, Mr. Speaker, I would ask for support when this resolution comes up. I know we couldn't do it today, but I extend my personal gratitude to the program's volunteers for their efforts in supporting our dedicated men and women in uniform who are proudly serving our Nation.

HONORING THE VALUABLE WORK OF THE ''WELCOME HOME A HERO'' PROGRAM

Mr. ORTIZ. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 391) recognizing the employees of Dallas-Fort Worth International Airport, the North Texas Commission, USO, and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 391

Whereas the residents of North Texas have greeted thousands of troops returning to the United States from Iraq and Afghanistan for Rest and Recuperation since the program's inception in June of 2004;

Whereas volunteers from North Texas welcome over 200 troops each day who travel through Dallas-Fort Worth International Airport on their way home;

Whereas these are the first people the troops see upon their return to the United States, and the support they give the troops on behalf of all Americans is invaluable and inspirational;

Whereas citizens like Bert Brady, a veteran, spend 300 days a year at the airport thanking troops for their service and giving them a well deserved homecoming;

Whereas thousands of young men from the Boy Scouts of America's Circle Ten Council have also selflessly contributed to one of the largest and most respected community initiatives in North Texas; and

Whereas these dedicated and selfless volunteers positively impact the morale and spirit of the men and women serving our country in Iraq and Afghanistan and demonstrate our appreciation for their sacrifice to the Country: Now, therefore, be it

Resolved, That the House of Representatives honors the valuable work of the ''Welcome Home a Hero'' program and its volunteers and expresses gratitude for their efforts to support our troops proudly serving in Iraq and Afghanistan.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1845

GENERAL LEAVE

Mr. ORTIZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material on House Resolution 391.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

OIL PRODUCTION

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

Mr. BURTON of Indiana. Mr. Speaker, everybody in America is concerned about gas and oil prices. We all remember the long gas lines during the Carter administration, and the government made a commitment that we would be independent as far as energy needs were concerned at some point in the not too distant future, and we were supposed to work toward that end. I would like to give a report on where we stand because the American people are very, very concerned about high gas prices right now and the lack of oil.

On May 29, the United States consumed as much oil as it will produce domestically all year. All the oil that we produce in the United States has been used up by May 29. That means from that date until January, 2008, next year, we are now completely dependent upon politically unstable regions of the world such as the Persian Gulf, Nigeria, and Venezuela for our energy needs. Why is that? Because year after year, decade after decade, this country throws up more roadblocks, usually because of some environmental reason, to exploring for and utilizing domestic supplies of oil and natural gas.

In the ANWR, for instance, it holds the single largest deposit of oil in the entire United States, and that is 10.4 billion barrels of oil, and it is more than double the proven reserves in the entire State of Texas, and almost half of the total proven reserves in the United States, which is 22 billion barrels.

To put it more simply, opening the ANWR could increase U.S. reserves by nearly 50 percent.

And I have been up to the ANWR, and I can tell you there is no environmental damage that is going to take place if we drill in that area. And we could get between 1½ to 2 million barrels of oil a day. That would help a tremendous amount the needs of the American people.

On the outer continental shelf, another example, as required by the Energy Policy Act of 2005, the Department of the Interior recently conducted a comprehensive inventory of oil and natural gas resources located off of our coastlines. According to the Department of Interior, there is an estimated 8.5 billion barrels of known oil reserves and 29.3 trillion cubic feet of known natural gas reserves along our coastlines; with 82 percent of the oil and 95 percent of the gas located in the Gulf of Mexico.

However, even more importantly, the Department of the Interior estimates there are untapped resources of about 86 billion barrels, 51 percent in the Gulf of Mexico; and 420 trillion cubic feet of natural gas, 55 percent in the Gulf of Mexico, that is out there.

In July, 2004, a Spanish oil company, Repsol-YPF, in partnership with communist Cuba's state oil company, CUPET, identified five oil fields it classified as ''high quality'' in the deep water of the Florida Straits right off the coast of Florida, 20 miles northeast of Havana and within Cuba's Exclusive Economic Zone.

According to the U.S. Geological Survey, the North Cuba Basin holds an estimated 4.6 billion to 9.3 billion barrels of crude oil and 9.8 trillion to 21.8 trillion cubic feet of natural gas.

Unfortunately, since the 1980s, the U.S. has prohibited oil and gas drilling on most of the outer continental shelf except for limited areas of the western Gulf of Mexico, not the Florida Straits or around Florida, and limited parts of Alaska.

Oil shale: There is enough oil shale in Utah, Colorado, and Wyoming to create the equivalent of 1.8 trillion barrels of oil and potentially as much as 8 trillion barrels of oil. In comparison, Saudi Arabia reportedly holds proven reserves of 267 billion barrels, which is less than about one-eighth of what we have in the United States in shale.

Unfortunately, oil shale is roughly equivalent to diesel fuel and a number of Clean Air Act regulations, such as low-sulphur diesel, and Federal motor fuel taxes, which favor gasoline over diesel fuels, have created a strong financial disincentive regarding the production and use of oil shale fuels.

I don't want to belabor this point, but we have enough oil that we could move very closely to energy independence if we didn't have environmental radicals stopping us from drilling where we have the oil and we have those known oil reserves.

It is tragic that we have to continue to rely on Saudi Arabia, Venezuela, and other countries that are very unstable in various parts of the world when we really know that at some point in the future we are going to need more and more of their oil.

We need to move toward energy independence. We have been talking about it since the 1980s. Nothing has been done, and now gas prices are going up because we aren't producing enough oil and gas in the United States. And we have the reserves there to do it. We haven't even built any new oil refineries for 30 years. We can't even refine the oil that we do get here in the United States to take care of all the needs of the American people.

So I would just like to say to my colleagues, as I close, on both sides of the aisle, that we need to start moving toward energy independence. We need to start thinking about economic concerns as well as environmental concerns and have a balance there. We can do it in an environmentally safe way, and the American people want us to do it, and we need to listen to them as well as the environment lobby here in Congress.

END THE WAR IN 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, from the very beginning of the war, which is now an occupation, in Iraq, the Bush administration has not kept faith with our troops. Whether it was sending them into combat without the proper body armor or failing to provide wounded veterans with proper care at the Walter Reed Army Medical Center, this administration has turned its back on our brave men and women time and time again.

Another example of this outrageous mistreatment is the Pentagon's ''stop loss'' policy. A very disturbing article about ''stop loss'' appeared 3 days ago in the Chicago Tribune. Actually, it should be required reading for every single Member of this House. The article says:

''As the United States moves into its 5th year in Iraq and escalates troop levels there, the Pentagon has kept combat units manned by forcing as many as 80,000 soldiers to stay in uniform in war zones even after their enlistment obligations have been met or their retirement dates have passed.

''The policy, known as ''stop loss'' . . . has sparked . . . a spate of lawsuits and in backlash in the ranks.

'' . . . The vast majority of troops find that stop loss means one thing: Instead of beginning new lives in the civilian world, they are headed back to Iraq for their second, third, or even fourth combat tour, a practice critics say amounts to nothing less than an involuntary draft.

'' . . . Suzanne Miller, a Jacksonville lawyer whose son expects to be stop-lossed this summer, said, 'I like . . . to call it indentured servitude . . . you have no control over your own destiny and are being forced, under threat of prison, to work for an employer you no longer want to work for.' ''

Mr. Speaker, it is time to stop mistreating our troops and the families who wait so patiently for their return.

We need bold action to bring our troops home.

Last month this House had the opportunity to take such bold action. We had a bill before us that would have fully funded a safe withdrawal of our troops and defense contractors starting within 90 days. This bill also would have provided for the social and economic reconstruction of Iraq so that the Iraqi people could look to their future with hope. And it would have supported diplomatic efforts and multinational efforts to restore security in Iraq. That plan of action made sense.

But instead of taking bold action, the Congress took the same old action and gave the President every single thing he wanted in the supplemental spending bill. There is no timetable for withdrawal, and the President doesn't even have to hold the Iraqi government accountable for failing to meet the benchmarks in the bill.

Mr. Speaker, every third grader in America is being held accountable for meeting his or her reading and math benchmarks under No Child Left Behind. We are demanding more from our 8-year-olds than the Iraqi government.

Mr. Speaker, the American people didn't send us here to go all wobbly in the knees and weak in the stomach when the moment of truth arrived. They sent us here to stand up to the President to end this war, and that is what we must do.

So let us begin to restore the good name of the Congress by overturning the original authority for the war. Congress didn't authorize this President to use U.S. troops to police a civil war, which is what Iraq has come to.

From here on, there must be one benchmark and one benchmark only. The orderly, fully funded, and fully protected withdrawal of our troops. They have done their duty. Now it is our time to do our duty for them.

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

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

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

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

IN COMMEMORATION OF D-DAY AND HONORING OUR ARMED FORCES: PRESIDENT FRANKLIN D. ROOSEVELT'S PRAYER

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, for those who question the role of religious expression and religious faith in our national history and in our public square, I rise tonight to read a nationally broadcast prayer that was read on D–Day, June 6, 1944, by President Franklin D. Roosevelt as our troops landed at Normandy. I am reading this prayer in the House tonight to both commemorate this event and to honor the men and women of our Armed Forces.

''Almighty God, our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true. Give strength to their arms, stoutness to their hearts, steadfastness in their faith.

''They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace and by the righteousness of our cause, our sons will triumph.

''They will be sore tried, by night and by day, without rest until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

''For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise and tolerance and good will among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

□ 1900

''Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

''And for us at home, fathers, mothers, children, wives, sisters and brothers of brave men overseas, whose thoughts and prayers are ever with them, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

''Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

''Give us strength, too, strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces.

''And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

''And, O Lord, give us faith. Give us faith in thee; faith in our sons, faith in each other, faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment, let not these deter us in our unconquerable purpose.

''With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace, a peace invulnerable to the schemings of unworthy men, and a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

''Thy will be done, Almighty God. Amen.''

HAROLD ''HAL'' HART

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

Mr. WU. Mr. Speaker, I rise today to honor the life and passing of a great man and a gentleman, Harold ''Hal'' Hart. He was a teacher, a father figure, a mentor and friend to thousands across Oregon and thousands scattered indeed around the world whose lives go on as a testament to the goodness that Hal instilled in others.

A resident of Portland, Oregon, for most of his life, Mr. Hart lived a life that others could only dream of. Married to his high school sweetheart, Sally, and blessed with five daughters and eleven grandchildren, he never missed an opportunity to see the good in others. Nor did he miss an opportunity to bring out the best in others.

An attorney with an unabashed respect for the law, Mr. Hart worked tirelessly to mend the shattered lives of young people. He was seen by judges as the ''go to'' lawyer when a child was in need of help, working pro bono to aid countless adoptions, custody cases and child support cases. When asked why he cared so much and gave so much in this cause, he would say that everyone has the right to a happy childhood.

Outside of his professional life, Mr. Hart continued to give of himself. The founder and coach of Lincoln High School's Constitution program that won 13 consecutive Oregon State championships, including three national championships, and eight top 10 national finishes, he not only pioneered law-related education programs in the Portland metropolitan area, indeed, in that endeavor he was the Johnny Wooden of his field. One of his proudest moments, it was said, was when his students were given the opportunity to present their winning remarks to the U.S. Supreme Court, Members of the Senate, and to then Vice President Al Gore. Hundreds of his students have moved into the legal, teaching, government and service professions.

A noted softball coach who established girls' softball at Ainsworth Grade School and Lincoln High School, Hal Hart was coaching a women's team up to the last week of his life. He was

also a lifelong musician who supported himself through high school, college and law school playing clarinet and saxophone. As an adult, he played countless fundraisers with his jazz combo and the Providence Hospital Stage Band.

While Mr. Hart quietly went about helping others, never asking for anything in return except that those that he helped be good people, he was recognized by countless organizations for the works that he did. The effect of Hal Hart on his community and on the lives of those who knew him cannot be overstated. He was loved by his teams and beneficiaries, respected by his adversaries, and he will be universally missed.

While we have lost this great Oregonian, we find solace that so many others have been spurred on by his example. Throughout his years of teaching, he kept framed on his desk a few lines from Ralph Waldo Emerson, and they sum up his philosophy as follows:

To laugh often and love much; to win the respect of intelligent persons and the affection of children; to earn the approbation of honest citizens and endure the betrayal of false friends; to appreciate beauty; to find the best in others; to give of oneself; to leave the world a bit better, whether by a healthy child, a garden patch or a redeemed social position; to have played and laughed with enthusiasm and sung with exaltation; to know that one life has breathed easier because you have lived, this is to have succeeded.

Mr. Speaker, Hal Hart was a success by any measure and in so many different ways.

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

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

UNANTICIPATED GOOD RESULTS (WHEN WE LEAVE)

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

Mr. PAUL. Mr. Speaker, good intentions frequently lead to unintended bad consequences. Tough choices, doing what is right, often leads to unanticipated good results.

The growing demand by the American people for us to leave Iraq prompts the naysayers to predict disaster in the Middle East if we do. Of course, these merchants of fear are the same ones who predicted invading and occupying Iraq would be a slam-dunk operation, that we would be welcomed as liberators and oil revenues would pay the bills with minimum loss of American lives. All this hyperbole, while ignoring the precise warnings by our intelligence community of the great difficulties that would lie ahead.

The chaos that this pre-emptive undeclared war has created in Iraq has allowed the al Qaeda to establish a foothold in Iraq and the strategic interests of Iran to be served. The unintended consequences have been numerous. A well-intentioned but flawed policy that ignored credible warnings of how things could go awry has produced conditions that have led to a war dominated by procrastination without victory or resolution in sight.

Those who want a total military victory, which no one has yet defined, don't have the troops, the money, the equipment, or the support of a large majority of the American people to do so. Those in Congress who have heard the cry of the electorate to end the war refuse to do so out of fear the demagogues will challenge their patriotism and their support for the troops. So nothing happens except more of the same. The result is continued stalemate with the current policy and the daily sacrifice of American lives.

This wait-and-see attitude and a promised reassessment of events in Iraq late this summer strongly motivates the insurgents to accelerate the killing of Americans to influence the coming decision in 3 months. In contrast, a clear decision to leave would prompt a wait-and-see attitude, a de facto cease fire, in anticipation of our leaving; a perfect time for Iraqi factions to hold their fire on each and on our troops and just possibly start talking with each other.

Most Americans do not anticipate a military victory in Iraq, yet the Washington politicians remain frozen in their unwillingness to change our policy there, fearful of the dire predictions that conditions can only get worse if they leave. They refuse to admit the conditions of foreign occupation is the key ingredient that unleashed the civil war now raging in Iraq and serves as a recruiting device for al Qaeda. It is time for a change in American foreign policy.

But what if those who were so wrong in their predictions as to the outcome of their invasion are equally wrong about what might happen if we leave? Unanticipated good results may well occur. There is room for optimism. The naysayers have been wrong before and are probably going to be wrong again.

The truth is, no one knows exactly what would happen if we leave. Civil strife may last for a while longer, but one thing is certain, no longer will American lives be lost. That in itself would be a blessing and reason enough for doing so.

After we left Vietnam under dire circumstances, chaos continued, but no more American lives were lost. But, subsequently, we and the Vietnamese have achieved in peace what could not be achieved in war. We now are friends. We trade with each other, and we invest in Vietnam. The result proves the sound advice of the Founders: Trade in friendship with all nations, entangling alliances with none. Example and persuasion is far superior to force of arms for promoting America's goodness.

It is claimed that we cannot leave until a new military faction is trained to fill the vacuum. But the question is, will there really be a vacuum, or are we talking about our proxy army being trained well enough to continue to do battle with the very strong militias already in place? Lack of training for the local militias has never been a problem for them.

The real problem with our plans to train a faction of Iraqis to carry out our plans for the Middle East is that the majority of Iraqis object and the army trainees are not as motivated as are the members of the various militias. The Kurds have a militia capable of maintaining order in their region. Sadr has a huge militia that is anxious to restore order and have us gone. The Badr brigade is trained to defend its interests. And the Sunnis are armed and determined. Our presence only serves to stir the pot by our troops being a target of nearly all the groups who are positioning themselves for our anticipated departure.

After we leave, just maybe the Shiites and the Sunnis will develop an alliance based on nationalism. They already talk of this possibility, and it could include the Badr brigade and the Sadr militias. A coalition like this could serve as an efficient deterrent to al Qaeda and Iran since they all share this goal.

Al Qaeda and Iran were not influential in Iraq before the invasion and would not be welcomed after we leave. There is cooperation now, motivated by the shared desire of the Sunnis and the Shiites to oppose our occupation. There's definitely a potential that the Iraqis may do much better in dealing with their own problems than anyone can imagine once we leave. Already there are developing coalitions of Sunni and Shiites in the Iraqi parliament that seek this resolve.

It is claimed by some that leaving the Middle East would not serve the interests of Israel. Israel with its nuclear arsenal is quite capable of defending itself under all circumstances. Its dependency on us frequently prevents it from taking action that otherwise may be in its best interests because we do not approve of such actions. Israel's overtures to Syria and other neighbors would not be road blocked by U.S. policy if we left the Middle East. With us gone Israel would have greater motivation to talk with other Arab countries as they did with Egypt. It just may be that Israel would accept the overtures made by the Arab League for a comprehensive peace. The Arab League might be an acceptable alternative to the U.S. influencing policy in the region.

We're told we can't let this happen or we'll lose control of the oil and gasoline prices will soar—exactly what has happened with our invasion. And if the neo-conservatives have their way there will be an attack on Iran. If that occurs, then watch what happens to the price of oil.

No matter who ends up controlling the oil they will always have a need for western markets. Instead of oil prices soaring with our leaving, production may go up and prices fall A change in our foreign policy is overdue.

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MCCARTHY) is recognized for 5 minutes.

(Mrs. MCCARTHY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

WAR IS UGLY BUT TYRANNY IS UGLIER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Tennessee (Mr. WAMP) is recognized for 60 minutes as the designee of the minority leader.

Mr. WAMP. I thank the speaker.

Mr. Speaker, tonight I come to the floor with several of my colleagues over the next hour to recognize that while even tonight we've heard these divisions on the floor from both parties and Members in each party that have differences of opinion about Iraq and the war, we come tonight to talk about the threats around the world that continue to emerge, that are real.

But before we get to the discussion about those threats and global security and the need for our country to be the leader of all of civilization, civilized countries versus, frankly, uncivilized, organizations, factions, even countries around the world who actually believe that blowing themselves up somehow is right or just. This is the struggle, and I do not think we can afford to deny the threats. I want to start first, though, by honoring the people who are volunteering to this very day to put themselves between the threat in our civilian population and serve in the uniform of our Armed Forces, first and foremost, the ones that have actually given their life for us.

Last week, over the Memorial Day district work period, I joined the families of two heroic East Tennesseans, one here in Washington at Arlington National Cemetery as I left. Sergeant First Class James David Tiger Connell, Jr., of Lake City, Tennessee, was laid to rest here in Arlington a week ago Friday for answering the Scriptural call that ''no greater love hath any man than to lay down his life for a friend.'' And then on Memorial Day, in Chattanooga, Tennessee, I joined the family of Private First Class Travis Haslip from Ooltewah, Tennessee, to lay his body to rest. Two great American heroes who joined six other heroes from my district who have given their life for us. And contrary to what some people say, they not only did not die in vain, they joined the ranks of the greatest Americans ever who were willing to give their life for the cause of freedom.

□ 1915

They were willing to lay it all on the line for the principles that this country holds so dear, knowing that every generation sooner or later has to face threats like this and somebody has to go and answer the call.

If you believe they died in vain, then many, many, many others through other wars throughout the history of our country also did, and I don't believe it for a second, because I know that it is those patriotic Americans that have paid the price.

I want to honor tonight Sergeant Paul Thompson III of Jefferson City, Tennessee; Sergeant First Class Stephen Curtis Kennedy of Oak Ridge, Tennessee; Sergeant David Thomas Weir of Cleveland, Tennessee, and I want to talk about his mom in a minute; Staff Sergeant Daniel M. Morris of Clinton, Tennessee; Sergeant John Michael Sullivan of Hixon, Tennessee; and Sergeant Terrance W. Prater of Speedwell, Tennessee.

I want to say that Jackie Weir, Sergeant David Weir's mom, wrote me a letter which I received over the Memorial Day weekend. This incredible mom has on the bottom of her letterhead a quote from General George S. Patton. It says, ''It is foolish and wrong to mourn the men who died. Rather, we should thank God that such men lived.'' This is on her letterhead. She gave her son for our country and its future.

This coming Monday, I will be privileged to join my nephew with the 181st Field Artillery Brigade as they deploy for Iraq from Chattanooga. Jeffrey Watts is my nephew, so a member of our family is going as well. May God be with all of them, protect them and strengthen them.

Because, as John Stuart Mill once said, ''War is an ugly thing, but it is not the ugliest of things.'' He said, ''The decayed and degraded state of moral and patriotic feeling which thinks that nothing is worth war is much worse.'' He said, ''A person who has nothing for which they are willing to fight, nothing they care more about than their own personal safety, is a miserable creature who has no chance of ever being free unless those very freedoms are made and kept by better persons than himself.''

That is etched in my memory, because I don't believe everything John Stewart Miller ever wrote, but I agree with that, that the alternative to war sometimes is complete loss of freedom, and it is tyranny, and it is terror all the time, and it is oppression. Without the courage to fight and stand up, that is where we may end up.

It is easy to forget the timeline. I want to go through it. Then I want to recognize the gentleman from Michigan. The timeline though goes back a long time.

Twenty-five years ago, April, 1983: A suicide car bombing against the U.S. Embassy in Beirut killed 63, 17 Americans.

October, 1983: A suicide car bomb attack against the U.S. Marine barracks in Beirut kills 241 servicemen. A simultaneous attack on a French base kills paratroopers.

November, 1984: A bomb attack on the U.S. Embassy in Bogota, Colombia, kills a passerby. The attack was preceded by death threats against U.S. official by drug traffickers.

April, 1985: A bomb explodes in a restaurant near a U.S. air base in Madrid killing 18, wounding 82, including 15 Americans.

June, 1985: San Salvador, El Salvador, 13 people are killed in a machine gun attack in an outdoor cafe. Four U.S. Marines and two American businessmen.

June, 1985: A TWA airliner is hijacked over the Mediterranean, the start of a 2-week hostage ordeal. The last 39 passengers are eventually released in Damascus after being held in various locations in Beirut.

August, 1985: A car bomb at a U.S. military base in Frankfurt, Germany, kills two and injures 20. A U.S. soldier murdered for identity papers is found the day after the explosion.

October, 1985: Palestinian terrorists hijacked a cruise liner, the Achille Lauro, in response to the Israeli attack on PLO headquarters in Tunisia. Leon Klinghoffer, an elderly, wheelchair-bound American is killed and thrown overboard.

November, 1985: Hijackers aboard an Egypt Air flight killed one American. Egyptian commandoes later stormed the aircraft on the island. Sixty people are killed.

December, 1985: Simultaneous suicide attacks are carried out against U.S. and Israeli check-in desks at Rome and Vienna international airports. Twenty people are killed in the two attacks, including four terrorists.

I am going on and on. There are 44 incidents in 25 years by the Islamic radicals. You can deny it if you want to. You can say this is all about Iraq if you want to. But I continue.

April, 1986: A bomb destroys a West Berlin disco frequented by U.S. servicemen, killing one American and one German woman and wounding 150, including 44 Americans.

An explosion in April, 1986, damages a TWA flight as it prepares to land in Athens, Greece. Four people are killed when they are sucked out of the aircraft.

December 21, 1988: A bomb destroys Pan Am 103 over Lockerbie, Scotland. All 259 people aboard the Boeing 747 are killed, including 189 Americans, as are 11 people on the ground.

February, 1993: A bomb in a van explodes in an underground parking garage in New York's World Trade Center killing six people and wounding over 1,000, 1993.

April, 19, 1995: A car bomb destroyed the Murrah Federal building in Oklahoma City. This was not al Qaeda. We know what that was.

November 13, 1995: A car bomb in Riyadh, Saudi Arabia, killed seven people, five of them American military and civilian advisers for the National Guard training center.

June 25, 1996: A bomb aboard a fuel truck explodes outside a U.S. Air Force installation in Dhahran, Saudi Arabia. Nineteen U.S. military personnel are killed.

July 27, 1996: A pipe bomb explodes during the Olympic games in Atlanta. That was also not them.

June, 1998: Rocket propelled grenades explode near the U.S. Embassy in Beirut.

August, 1998: Terrorist bombs destroyed the U.S. Embassy in Nairobi, Kenya, and Dar es Salaam, Tanzania.

October 12, 2000: A terrorist bomb damages the destroyer USS Cole in the Port of Yemen, killing 17 sailors and injuring 39.

September 11, 2001: It is all I need to say.

April 11, 2002: Explosions at ancient synagogue in Tunisia leaves 17 dead.

May of 2002: Car explodes outside hotel in Pakistan, killing 14.

June of 2002: Bomb explodes outside American consulate in Pakistan, killing 12.

October of 2002: Nightclubs bombed in Bali, Indonesia, killing 202, mostly Australians.

October suicide attack on a hotel in Mombasa, Kenya, killed 16.

May 4, 2003: Suicide bombers kill 34, including eight Americans, in Riyadh, Saudi Arabia.

May of 2003: Four bombs kill 33 people, targeting Jewish, Spanish and Belgian sites in Casablanca.

August, 2003: Suicide car bomb kills 12, injures 150 at Marriott Hotel in Jakarta.

November, 2003: Explosions rock Riyadh Saudi Arabia, killing 17.

November, 2003: Suicide car bombers simultaneously attack two synagogues in Istanbul, Turkey, killing 25 and injuring hundreds.

March, 2004: Ten terrorist bombs explode almost simultaneously during the morning rush hour in Madrid, Spain, killing 202 and injuring more than 1,400.

May 29 through 31, 2004: Terrorists attacked the offices of a Saudi oil company in Khobar, Saudi Arabia, taking foreign oil workers hostage in nearby residential compound. Twenty-two people dead.

June, 2004: Terrorists kidnap and execute Paul Johnson, Jr., an American in Riyadh. Nearly a week after his capture, photos of his body are posted on an Islamic website.

December, 2004: Militants believed to be linked to al Qaeda drive up to U.S. Embassy consulate in Saudi Arabia, storm the gates and kill five.

July, 2005: Bombs explode on three trains in London, England, killing 52.

October, 2005: Twenty-two killed by three suicide bombers in Bali.

November, 2005: Fifty-seven killed at three American hotels in Jordan.

March, 2006: Two residents arrested in this country, one a Georgia Tech student.

June, 2006: Canadian plot to behead the Prime Minister and bomb the Canadian Parliament. Seventeen arrested.

June, 2006: Florida-based plot to attack the Sears Tower in Chicago, seven arrested.

December, 2006: Chicago area Muslim convert arrested for plotting to attack a local mall and government buildings using grenades.

May, 2007: New Jersey-based plot to attack soldiers in Fort Dix, New Jersey.

Last week, another huge plot exposed to cause unbelievable damage at JFK Airport on an energy system that runs between New Jersey and New York.

We sure better not ignore these threats. We better stand in the gap for the next generation and quit denying that these threats are mounting against us. I don't want our country to be the last country in the world willing to face this reality.

Mr. Speaker, I yield to the gentleman from Michigan, the Chairman of the Policy Committee here among Republican Members of the House, THADDEUS MCCOTTER, an expert on these issues.

Mr. MCCOTTER. Mr. Speaker, I thank the gentleman from Tennessee.

Mr. Speaker, amidst these tumultuous times, it is often difficult to make sense of the stakes and the situations which confront us. But let us be clear: America in Iraq faces the prospect of a defeat, with consequences not only for this present generation of Americans but for future generations of Americans as well. Unlike Vietnam, the enemy will follow us home; and this is an enemy that is bent upon our destruction and the death not only of ourselves but of everything we hold dear.

In similar times, as my colleague PHIL ENGLISH, the gentleman from Pennsylvania, earlier read, it was the moral clarity of individuals like President Roosevelt, who helped guide the greatest generation to their triumph over abject evil.

This generation of Americans must retain their moral clarity to understand what needs to be done in the perilous present to get us to a better tomorrow. First, we need to step back and assess the situation in Iraq. The reality in Iraq is that we have one thing left to do as a Nation, and that job has been entrusted to our troops, who have done everything and more that has been asked of them.

To date, Iraq is free, Iraq is sovereign, Iraq has a democratically elected government. The people of Iraq within the government are fighting side by side with United States forces to kill and capture al Qaeda and other terrorists and insurgents.

And today we find ourselves struggling to attain the last goal before our troops accomplish the mission, and that is to give the new democracy a chance to survive in our absence. I say a chance to survive in our absence, because no free people, including ourselves, can ever be guaranteed that their liberty will last in perpetuity.

Did not Benjamin Franklin tell us this when he said to his fellow patriots at the founding of our Nation, we will give you a republic, if you can keep it.

The price of keeping that republic, or of any free nation, is eternal vigilance, to make sure that your rights are not eroded and you are not enslaved.

At another time in our Nation's history, when we were sorely tried through the conflagration of war, it was President Lincoln who understood that a war for secession had become a war for the emancipation of an entire race so that our Nation could have a new birth of freedom.

What we find in the Middle East today as we struggle to accomplish the last task in this mission is that our war for terror has been transformed into the war for the emancipation of millions of Muslims, so that the Middle East and our world can have a new birth of freedom.

If we, as a nation conceived in liberty, who have seen the sorrowful sacrifice of so many of our sons and daughters throughout our history to retain that liberty, determine to turn our backs upon people we have given a cruel sip of freedom to before we abandon them, we must ask ourselves two questions: What do we as a nation believe anymore about ourselves and the inalienable truths upon which we were founded; and what manner of dedication can we portray to the world and to ourselves as to its preservation?

□ 1930

And then we must ask ourselves a very cruel question: What other nascent democracies under terrorist attack will the United States abandon? Because that is the question that the enemy wants us to confront in what they are doing in Iraq.

If the United States is defeated in Iraq, and make no mistake, with the euphemisms that are bandied about, if we leave we lose, and the terrorists will remind us of this. The gutter snipe, Osama bin Laden, will be more than happy to proclaim it through every Internet site and every broadcast media available to him and his ilk for domestic American consumption.

If we leave and are defeated in Iraq, everything that the enemy has done in Iraq will be transferred to Afghanistan. Already, as we found out earlier today, we have seen the hand of the Iranians in putting exploding devices and other material to support the Taliban insurgents against the NATO forces and our own U.S. troops who are part of that coalition.

Let us not forget that it was in Afghanistan that al Qaeda, and especially bin Laden and others, learned to kill as they chased the Soviets out through

measures that they are now applying in Iraq and Afghanistan. And let us not forget that an emboldened enemy will then, on much more familiar ground where the al Qaeda was housed before the attacks of September 11, it will prove a much more fertile ground for their incipient brand of insurgency, which we will have already been unable to quell in Iraq, which will now devolve into chaos and prove a safe haven for those who wish to kill us.

But let us not forget, we have one thing left to do in Iraq. That is why it is so bloody, that is why it is so bitter, and that is why it is so frustrating to the vast majority of Americans. But if we maintain our prudence and perseverance and clarity, we can see this through until the mission is accomplished. We can see that the United States, which is a revolutionary experiment in human freedom, can remember the lesson that Lincoln taught us: When we extend liberty to the enslaved, we ensure liberty for ourselves. President Lincoln understood that liberty is not static. It does not remain in a perpetual stasis where we can enjoy our liberty while others have it denied unto them.

If freedom is advancing or eroding in the course of human events, let us rededicate ourselves not only to accomplishing the mission in Iraq and Afghanistan so that our world can experience a new birth of freedom, let us rededicate ourselves to the proposition that we who are born into freedom also bear the responsibility where we can to extend liberty to those who also yearn to breathe free, as do all of God's creatures.

Mr. WAMP. I thank the gentleman.

We all desire a better course in Iraq. We all desire changes, not just General Petraeus' leadership and the increase in security forces from our country necessary to prevail in Iraq, but even more regional cooperation, and some of the recommendations of the Iraq Study Group so that people in this country will truly recognize, especially in the Congress, that this is not our President's war. This is our country's war. This is our country's fight.

Now a very prominent person from my State wrote a book called ''The Inconvenient Truth.'' He wrote it about the environment, but I have to say tonight on the floor of the House that a bigger inconvenient truth than the one he wrote about is the inconvenient truth that is lost around here a lot, that over half of the Democratic Members of the United States Senate and almost half of the United States House of Representatives voted to remove Saddam Hussein by force. Now, many people are running from that commitment and decision, but it is an inconvenient truth that they said it needed to be done and they committed us to doing it. And we went as a nation and there was not that much criticism as there is now, but it is convenient to blame or cast aspersions or to say that intelligence went wrong instead of accepting the responsibility that we removed a genocidal mass murderer from the world stage in an important time in the history of the Middle East and an important time in the history of the world.

I have two pages, and I am not going to go through these quotes like I did the time line, but two pages of quotes from the most prominent leaders in the Democratic Party in this country saying why Saddam Hussein had to be removed by force.

The quotes I will go through tonight, though, are from the terrorists themselves because I think they must be quoted so we understand what they are doing.

Zawahiri, al Qaeda's top leader in the region now, we don't know where Osama bin Laden is, but Zawahiri said, ''The jihad movement is growing and rising. It reached its peak with the two blessed raids on New York and Washington. And now it is waging a great heroic battle in Iraq, Afghanistan, Palestine, and even the crusaders' own homes.''

Al Manar said, ''Let the entire world hear me. Our hostility to the Great Satan, America, is absolute. Regardless of how the world has changed after September 11, death to America will remain our reverberating and powerful slogan: Death to America.''

Zarqawi said, ''They are aware that if this Islamic giant wakes up, it will not be satisfied with less than the gates of Rome, Washington, Paris, and London.''

Bin Laden's top lieutenant said, ''The fire has not and will not be put out, and our swords, which have been colored with your blood, are thirsty for more of your rotting heads.''

The leader of Hezbollah said, ''We have discovered how to hit the Jews where they are most vulnerable. The Jews love life; so that is what we shall take from them. We are going to win because they love life and we love death.''

Zawahiri said, ''Knights under the prophet's banner, al Qaeda's most important short-term strategic goal is to seize control of the state, or part of a state, somewhere in the Muslim world.'' He wrote, ''Confronting the enemies of Islam and launching jihad against them require a Muslim authority established on Muslim land. Without achieving this, our actions will mean nothing.''

Osama bin Laden said, ''The whole world is watching this war and the two adversaries. It is either victory and glory or misery and humiliation.''

Osama bin Laden has said, ''The most important and serious issue today for the world is this Third World War.'' That's what he said. ''It is raging in the land of the two rivers, Iraq. The world's millstone and pillar is in Baghdad, the capital of the caliphate.''

These are the words of jihad.

Before yielding to the gentlewoman from North Carolina, I would like to encourage people to open a book called ''America Alone'' by Mark Steyn. The gentlewoman has just finished the book. It is on our reading list as we are trying to educate Members of the House on the threats. We all know you can't believe everything you read. But if you do your homework and you follow people who do their research, reading is the best way to understand this threat.

Let me say first, I am for pluralism. Every religious view is welcomed in this country, period. We are tolerant. It is a tenet of our foundation, religious pluralism is the American way. We do not believe in theocracy. It doesn't come with freedom, not our way. But let me say tonight, and this may not be popular in some quarters, that is not the Muslim way today. It is not.

The Islamists, the radicals, are insulated within Islam and they are not being challenged by the rest of Islam. And they call for a global sharia. That is Islamic rule. There were challenges all around the world right now about whether Islamic law, their law, a theocratic system, trumps the laws of any country, including this country. And if you don't think this is infiltrating most of the countries around the world, you are not paying any attention. This threat is growing and rising.

All you have to do is study the demographics that are articulated in this book and you realize that countries like our and Japan and Russia, they are actually declining in population. Our country is barely growing. The most rapid growth in the world is among the Muslim countries. Sheer demographics overtake us if the radicals continue to be insulated within Islam and not challenged because the numbers are exponential in terms of how many people are now willing to kill themselves for a cause. I could spend the rest of the night going through the latest statistics which ought to shock every American, that 26 or 30 percent, depending on two different questions, of Muslims in this country, many of whom are citizens, believe it is acceptable, this is scientific polling 2 weeks ago, it is acceptable to blow yourself up for a cause. That's a problem. I have to tell you, that is not acceptable in this country.

It is not acceptable that jihadism is fashionable or a way of life. How many people in the Muslim world now think that 9/11 was justified. I have to tell you, America is not perfect, we have made mistakes; but anybody in the world who apologizes for our country is wrong.

And these apologists who somehow blame us for what happened are wrong. Many others are here to speak. I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I want to thank Congressman WAMP for organizing this hour tonight and bringing together a group of folks who have similar feelings to his. I see several of my colleagues have joined us and so I

won't take a lot of time. It is always hard to follow such eloquent speakers as Congressman MCCOTTER and Congressman WAMP. They are both eloquent people, and I am pleased to be with them to add my few comments.

As Congressman WAMP has said, I have been reading ''America Alone.'' I want to recommend it. It is written by Mark Steyn, S-T-E-Y-N. It is an excellent book. It is very, very readable, and it is very, very frightening.

As Congressman WAMP said, if you don't do anything but pay attention to the demographics, you will have your attention gotten by this book. As he indicated, the United States of America is the only western country that is replacing itself in terms of population. It takes a birth rate of 2.1 to replace the population. What is happening in Canada, which I wasn't aware of, Canada has a birth rate of about 1.3 right now, 1.4. All of the European countries have birth rates of 1.3, 1.4, 1.2. Their populations are going to be cut in half within 35 years. That is something that has never happened in the history of humanity. Their populations are going to be cut in half; and yet the Muslim populations are growing anywhere from 4.7 percent to over 7 percent which means their populations are going to double in a very short period of time. And fairly soon, all of Europe is going to be predominantly Muslim.

The title of the book, ''America Alone,'' we are going to be the only country in the free world that is increasing our population of people with western ideals, western religions and western thought. That is something we really have to be thinking about.

I have been troubled, and I have spoken about this before, about statements that have been made by Democrats in this body when we talk about the war that we are in. They talk about failure. They talk about it being an impossible situation. Well, I want to try to tie this in to what Congressman MCCOTTER was saying.

When I meet with people and they ask me about the, quote, ''war in Iraq,'' I quickly say to them as kindly and as nicely as I can, we are not in a war in Iraq, we are in a war for the freedom of this country and the freedom of the world. If we lose this war, we are losing to radical jihadists who see that we have only two choices. We either convert to becoming Muslims or we should be killed.

Now as Congressman WAMP says, we believe in pluralism in this country. We believe in inviting people to come to this country, worship as they please, but not to come here and try to impose their idea, their radical idea of the world on us. So I think it is very important that we all do that. We understand this is a war for freedom.

□ 1945

This country is the beacon of freedom in the world, and failure is simply not possible.

I am very troubled again by the talk by Senators in the Democratic party who say the war is lost. It cannot be lost again. If it is, then we will go out of existence as a society and as a culture. We can't do that.

We know that we're fighting against extremists. There's Sunnis, there's Shias and there's al Qaeda and their intent to fortify their influence in the Middle East and expand beyond it.

The Democrats have claimed that a recently declassified National Intelligence Estimate concluded that the war in Iraq has made the war on terror more difficult to win, even though the terrorists see the war in Iraq and the war against terrorists as one and the same. They see it that way. We do not.

But the NIE actually concluded that, should Jihadists be perceived to have failed in their efforts to undermine democracy in Iraq, ''fewer fighters will be inspired to carry on the fight.''

So we have to defeat the terrorists. We have to defeat them not only in Iraq but in Afghanistan, in New York City, in New Jersey, anywhere that we find them. Because that is our mission, and that is what we're here for. If we don't want to see freedom and our way of life destroyed, then it's our responsibility to do that.

And I will tell you that I am not going to allow the brave men and women who are fighting to maintain our freedom to think that all Members of Congress have no backbone and are weak-kneed and look only to political advantage. I want them to know that there's some Members of Congress who appreciate what they're doing, who understand the sacrifice that they're making and understand the consequences of our winning or losing.

Mr. WAMP. Mr. Speaker, I thank the gentlewoman.

One of the most articulate and knowledgeable Members of the U.S. House of Representatives on radical Islam is Representative TRENT FRANKS from Arizona, and I yield to him.

Mr. FRANKS of Arizona. Mr. Speaker, I thank the gentleman. As usual, he's always more kind than he should be.

Mr. Speaker, today, as we embrace the grave responsibility of discussing an issue that will have a profound impact on future American generations, it seems very appropriate to remind ourselves of the ideal that gave birth to the United States in the very first place. We hold these truths to be self-evident that all men are created equal and endowed by their Creator with certain inalienable rights, that among these are life, liberty and the pursuit of happiness.

It puts us all on even ground, Mr. Speaker, but, whether we realize it or not, most of the important discussions in this Chamber, including the one in this moment, center around whether we still believe those words.

In these hours, America finds herself at war with an inexpressibly dangerous ideology that is the antithesis of those words and everything that is the American ideal. What concerns me most, Mr. Speaker, is that this is a war between an ideology that is committed to the death and destruction of freedom and the subjugation of the entire world and is one waged against the world's free people who still remain primarily asleep.

Mr. Speaker, this ideological war did not begin on 9/11. It began many years ago when certain Muslim extremists embraced a divergent Islamist dogma that dictates that all infidels must die. It was called then, as it should be now, Jihad.

This is the same Jihadist ideology that murdered Israeli athletes in 1972; that took American hostages in Iran; that murdered Marines in their barracks in 1983; that bombed the World Trade Center in 1993, Riyadh in 1995, the Khobar towers in 1996, the embassy in 1998, the U.S.S. Cole in 2000; and that brutally murdered scores of little children on their opening day of school in Beslan, Russia. And then, Mr. Speaker, this same dark ideology massacred nearly 3,000 Americans on September 11.

The ideology of Islamist Jihad leads to the practice of decapitating humanitarians with hacksaws on television while the victims scream for mercy. Just last month, one of those most recent videos on the Internet showed a member of the Taliban beheading a man accused of spying. That member of the Taliban was 12 years old.

Mr. Speaker, that is a wake-up call to this planet if we will only listen. This same hatred causes Islamic Jihadists to cowardly hide behind women and children while launching rockets deliberately targeting innocent civilians, and continually breaking treaties of peace, and forcing children to blow themselves to pieces to effect the murder of other innocents, and all this while their mothers scream for joy.

As we anticipate future actions of the Jihadists, we should consider, as Mr. WAMP has so eloquently said earlier today, the words of the terrorists themselves. And at the risk of repeating some of the things that Congressman WAMP said, I believe that these kinds of words are so important for America and for the people in this body to hear.

Al Qaeda's Al-Zawahiri said this. He said, ''The Jihad movement is growing and rising. It reached its peak with the two blessed raids on New York and Washington. And now it is waging a great heroic battle in Iraq, Afghanistan, Palestine, and even within the Crusaders' own homes.''

Al-Manar said on BBC, ''Let the entire world hear me. Our hostility to the Great Satan, America, is absolute. Regardless of how the world has changed after 11 September, Death to America will remain our reverberating and powerful slogan: Death to America.''

Al-Zarqawi said this of America's leaders, ''They are aware that if the Islamic giant wakes up it will not be satisfied with less than the gates of Rome, Washington, Paris, and London.''

Al-Muhajir, Osama bin Laden's latest lieutenant in Iraq, said this. He said, ''The fire has not and will not be put out and our swords, which have been colored with your blood, are thirsty for more of your rotting heads.''

Sheik Hassan Nasrallah, the leader of Hezbollah, said this, ''We have discovered how to hit the Jews where they are the most vulnerable. The Jews love life, so that is what we shall take away from them. We are going to win because they love life and we love death.''

Mr. Speaker, then we hear Democrats in this body say things like, ''The savagery of the terrorists is not relevant,'' or even the most senior Democrat in this House is quoted as saying, ''I don't take sides for or against Hezbollah, or for or against Israel.'' The senior Democrat in the other body said, ''This war is lost.''

Mr. Speaker, that kind of blind relativism that deliberately ignores all truth and equates merciless terrorism with free nations defending themselves and their innocent citizens is more dangerous to humanity than terrorism itself, and it is proof that liberals completely misunderstand the enemy that we face.

Osama bin Laden's deputy, Al-Zawahiri, said this. He made it clear in his book, Knights Under the Prophet's Banner, al Qaeda's most important short-term strategic goal is to seize control of a state, or part of a state, somewhere in the Muslim world. He wrote, ''Confronting the enemies of Islam and launching Jihad against them require a Muslim authority, established on Muslim land. Without achieving this goal, our actions will mean nothing.''

For God's sake, I hope we're listening to people like that. Mr. Speaker, such a Jihadist state would be the ideal launching pad for future attacks on the West.

Bin Laden himself has stated, ''The whole world is watching this war and the two adversaries. It's either victory and glory, or misery and humiliation.''

Mr. Speaker, the terrorists regard Iraq as their central front in their war against humanity; and if we're to understand our enemy and this war, we must recognize Iraq as the central front in our war against Jihad. Our courageous and noble soldiers understand that, and our enemy certainly understands that.

Osama bin Laden himself said, ''The most important and serious issue today for the whole world is this Third World War. It is raging in the land of the two rivers, Iraq. The world's millstone and pillar is in Baghdad, the capital of the caliphate.''

Mr. Speaker, if Democrats are correct that this struggle in Iraq is not crucial to winning the war against Islamist Jihad, then for God's sake I wish they would explain that to the terrorists, because they don't understand it.

Brink Lindsey put this all succinctly. He said, ''Here is the grim truth: We are only one act of madness away from a social cataclysm unlike anything our country has ever known. After a handful of such acts, who knows what kind of civilizational breakdown might be in store?''

Mr. Speaker, we simply cannot deny that we are fighting a war against an insidiously dangerous and evil ideology that is bent on the destruction of the Western World, and they would like nothing better than to decapitate this country by detonating a nuclear blast 100 yards from here. To allow Jihadists to declare victory in Iraq will serve only to hasten such a day.

The free nations of the world once had opportunity to address the insidious rise of the Nazi ideology in its formative years when it could have been dispatched without great cost. But they delayed, and the result was atomic bombs falling on cities in the world, 50 million people dead worldwide, and the swastika's shadow nearly plunging the planet into Cimmerian night.

Mr. Speaker, Jihadists believe they have a critical advantage over the free world. They believe their will is stronger than ours and that they need only to persevere; and, Mr. Speaker, the words of neutrality and retreat have only encouraged them in that belief.

We must realize that this is a war that is fundamentally a battle between good and evil, between light and darkness, between individual freedom and totalitarian repression; and we must realize that our enemy is absolutely blinded with an absolute hate for all the Western World.

They also recognize that America is the flagship of human freedom, and if America allows terrorists to conquer us both on the battlefield and in our will to fight the result will be that humanity will be left to face a future that is dark beyond expression.

Mr. Speaker, I think that probably Ronald Reagan could close this in the best way. He said to our soldiers who nobly fought in Vietnam, ''Let us tell those who fought in that war that we will never again ask young men to fight and possibly die in a war our government is afraid to win.''

And I'm afraid sometimes that we forget the heroism of the past. So let me just close with a prayer that one of our great Presidents, Franklin Roosevelt, said many years ago, as today we mark the 63rd anniversary of the D–Day invasion to liberate Europe from Hitler's fascism. U.S. forces alone sustained over 6,500 casualties in that 1 day, twice what we've endured in 5 years in Iraq. Knowing the gravity of the operation, Franklin Roosevelt, one of the Nation's most liberal Presidents, said and allow me to close in those words:

''Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home. Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom. And for us at home, fathers, mothers, children, wives, sisters, and brothers of brave men overseas, help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice. And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Thy will be done, Almighty God. Amen.''

Mr. WAMP. Mr. Speaker, I thank the gentleman.

Every Member of this body has an obligation to do their best to share their beliefs in what they think we face with the American people and their constituents. I believe that this problem in Iraq that we've got to do better with is not the end of this at all.

For some reason, God spared us again with the JFK plot and allowed us to actually interdict that before another September 11 or even worse happened. For some reason, He granted us grace, but it is a matter of time, given the conflicts that we face.

To the people, this Iraq conflict is a chapter in the war that is mounted against us, and it's not the end, anymore than the first bombing in 1993 of the World Trade Center was the end. We denied that it happened, but we weren't willing to address it, and September 11 happened. But Iraq is no different in the long-term conflict which is a generational struggle with radical Islam.

□ 2000

HISTORY AND THE WAR IN IRAQ

The SPEAKER pro tempore (Mr. HARE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) will control the remaining 12 minutes.

Mr. KING of Iowa. Mr. Speaker, I appreciate that, and I appreciate the gentleman from Tennessee for organizing this special order tonight. As I had the privilege to sit here on the floor and listen to each of the speakers, it was a good education for me to listen to the eloquent voices that stand up so well and speak for defending our freedom.

To take us towards the to the point towards conclusion of this hour, it is hard to pick up on that tone that was left by Mr. FRANKS of Arizona, the understanding of over 6,000 casualties on that first day. I presume that they were those killed in action on that day, and on D–Day landing on Omaha Beach and on Utah Beach and on other points there in Europe. That is a place and a location that will always live in the history of this country. It is a place of glory. It is a place where freedom was begun to spread back across Europe.

As I look at that, and I see these 60-some years hence the D–Day landing, I can't help but think that those countries in Europe that have experienced freedom the longest seems to hang on to that freedom the least, and those countries in Europe, particularly eastern Europe, that have lived under tyranny the most recently, seem to want to grasp that freedom and hang on to it and fight for it and defend it more aggressively.

That is reflected, I think, in the troops that are part of our coalition troops in Iraq. In one of my trips over there, I found myself standing with a British general down in Basra. I looked around his headquarters there, and I exempt the Brits from that definition, because they have been tenacious and stood with us in Iraq and other places around the world, but as I looked around, the uniforms and the national flags that were on the shoulders of the coalition groups, Great Britain there, Australia there, Romanians there, there were Danish soldiers there, Bulgarian soldiers there, as I recall, and the list went on.

If I remember right, it was eight different countries represented at those headquarters. I just gathered them together at random, lined them up and stood there and had their picture taken so that I could go back and reference which countries were represented.

But it surely appeared to me that the nations that had lived most recently behind the iron curtain, the one that had the least experience with freedom, were the ones that were the most likely to be there serving with and defending us and defending the freedoms of the people of Iraq and helping with the liberation that is there. That does not take away from the commitments that we have seen on the part of the British, and especially the Australians. They will let me know always that they have been with us in every war, and sometimes they beat us there. So I count them among our best friends and our best allies.

But here we are, with a debate that is going on continually here on the floor of this Congress. The questions that come to mind, as I listen to this discussion, I have to ask this question, what do liberals think? What are they thinking about? How can they draw a conclusion that somehow, even though Iraq is the central front in the war on terror, and that al Qaeda has streamed into Iraq to fight us there, in a way, a lot like the bug light. It is attractive, millions of them have been killed. They were captured and taken out on the field of battle there in Iraq. I would a lot rather have it there than here, and so would the American people.

But how can one argue that the war against terror is not in Iraq, it is anywhere else where they might be. We listened to the gentleman from Tennessee go through a long place of places around the world where the Islamic terrorists have attacked, a lot of times, free people. With that list, you have to know that this is a global war. These jihadists are attacking people, not like them, and their belief that they could expand, they should expand the caliphate at least around Western Europe and to the United States and presumably to the rest of the world, how can one conclude then that you would take a place off the map that has been paid for with the blood of American patriots, coalition force patriots and the blood of Iraqis, and the treasure, and say we are going to give it up.

We have liberated it. We have earned it, we have paid for it, and, now, we are going to give it up and hand it over to the terrorists because the war on terror is not in Iraq, even though Osama bin Laden believed it was there, and al Zarqawi believed it was there and al Zawahiri believes it is there.

It is obvious, General Petraeus has told us over and other again, that's where the central front is. In fact, Speaker PELOSI conceded that same point in one of her remarks here in a failed attempt to override one of the President's vetoes on one of their unconstitutional appropriations bills, but Iraq is the central front in the war on terror.

To argue that we should pull out of there and let that country become whatever it would become, and that would be the off limits, safe ground and territory for al Qaeda to set up shop, because, politically, it was a good argument to make.

All right, I can't follow that rationale, I can't follow that. If it is logical, someone has got to explain that to me. So we have a liberal approach to this. It is a law enforcement problem. Yes, we should go after Osama bin Laden in the mountains between Afghanistan and Pakistan, and we should do that.

But we can fight this war on many fronts. We are a nation that can do that. Before this is over, we will have to do it in many places simultaneously. But we dare not walk away from this country that we pitched our future with. It was the right decision to go in there. I regret we had to.

The President didn't have a choice, and honest historians will write that into the history books. But if we should walk away from there now, under any kind of ruse or under any kind of an excuse, they will claim victory, and, you would see, not just sectarian violence and the devastating bloodshed that would come from that until such time a dictator emerges, it can rule that part of the world, that's not the worst of things. It is a bad thing, but it's not the worst of things.

What I believe you would see happen is the Sunni triangle would become the haven for the al Qaeda terrorists. They would set up shop there, unchallenged. We wouldn't have a way to go in and challenge them, because if we're not willing to take them out and keep them out of there now, why would we ever have the will to go in and take them out later. You know that the price would be higher, but the will wouldn't be materialized.

So I believe al Qaeda takes over the Sunni triangle, and that would be the base of their operations, and they would seek to expand that base of operations. But, worse than that, as you have right now, you have Iranians fighting a proxy war against the United States in Iraq, and in Afghanistan.

In fact, the motion to recommit with instructions that Mr. PENCE offered today illustrated how Iran is engaging themselves into the operations and in the support of the Taliban and Afghanistan. But they have been engaged in this proxy war against the United States in Iraq for 2½ or perhaps 3 years.

So if we were to pull out of there, you would see the hegemony of the Iranians go into the Shi'a regions and the influence of that, get entrenched further in the Shi'a regions of Iraq. Those regions control 70 to 80 percent of Iraq's oil. That would put Iran in control of the oil in that region, and the Strait of Hormuz, through which 42.6 percent of the world's export oil supply flows.

They would be in a position to decide when their treasure chest is full of oil money, when they have purchased enough scientists and enough nuclear capability and when they have developed enough delivery capability to terrorize the rest of the world and attack the rest of the world with their nuclear capability, pick their time, shut down or shut off, I call it the valve at the Strait of Hormuz, the place where the oil has to flow through. Through that strait, they can control the economy of the world.

If that valve is shut down, that sends the United States, the effect of the cost of our oil price is going through the roof, $3 a gallon gas would be cheap if that would happen. That would put the United States into at least a recession, probably a depression.

China would follow us. They are starved for the energy the same way, and their economy is linked to ours. If we catch a cold, they sneeze, because they sell so much product to us. The biggest losers in this would be the United States, China. The biggest winners, Iran in their hegemony; and the Russians who have more oil than they know what to do with.

That's why Putin is opposed to our operations there, and that's why we are getting a lot of grief out of Putin. This outfit over here says somehow says we shouldn't fight this in Iraq. The worst scenarios are the ones that I have talked about, and I anticipate a nuclear Iran, an Iran that is committed to annihilating Israel, and an Iran that is committed to annihilating the United States.

That's the rationale that we are dealing with here. I wonder if they can actually think through this. But I also wonder why anyone would think that the voters have hired 535 liberal generals to micromanage a global war on terror. In fact, I'd ask anyone in this

Chamber, come down, and I will yield time to you, and you tell me, name me a single general that was a liberal, a successful liberal general throughout all the history of the world.

I defy you to name one, there isn't one. One has never existed. One will never exist. Liberal generals don't succeed, 535 micromanaging liberal generals certainly don't succeed. It's not Congress' business to micro manage war. It's our job to fund them and support them and equip our troops, field an Army and a Navy, and declare a war if the situation calls for it. We haven't done so since World War II.

That's our job in this Congress, and that's our constitutional limitations. We need to live by those limitations and not be busting our buttons believing that we can do something here that isn't getting done, maybe, to the satisfaction of the people on that side of the aisle or mine, for that matter.

But there is a tremendous amount at stake, and it is more than the lives that have been invested so far, those that have been lost so far. God bless them for that. Zach Wamp spoke well to that, but the destiny of America and the destiny of the free world and the destiny of western civilization are all on the line matched up against a belief that they are going to restore a caliphate and renew a 100 year-old conflict that has been taking place here in the war, here in the world for hundreds of years.

We have a western civilization belief, we believe in freedom, this has been a country that has been founded on Judeo-Christian principles. That's some of the foundation of our strength, free enterprise market economy is another one, belief in the rule of law, and the foundational principles that we have in this Constitution, all tied together, all at risk, all matched up against people that don't believe in freedom, people that believe in death, people that execute homosexuals and female adulteresses, by the way.

Many people on this side of the aisle have a different belief system. I don't know why they would want to ally themselves with the interests of those who want to restore the caliphate, stone women and execute homosexuals and destroy your freedom and your freedom of religion. All of that is tied up in the risk of this.

FIND WAYS TO COME TOGETHER ON IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New York (Mr. ISRAEL) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISRAEL. Mr. Speaker, tonight we do something different. Tonight we may do something that may even be unprecedented. Tonight I am joined on the floor of the House by my distinguished gentleman and my partner from Long Island, the gentleman from New York (Mr. BISHOP) and we will be joined by the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Maryland (Mr. GILCHREST) and perhaps others.

Tonight, for the first time that I know of, Republicans and Democrats take to the floor of the House to discuss Iraq, but not to criticize one another about Iraq, not to beat each other up about Iraq, not to cast aspersions and blame about Iraq, not to talk about what divides us on Iraq, but to find ways to come together on Iraq.

I don't think that's happened before on this floor, but I do believe that the American people have an unquenchable thirst for Democrats and Republicans not to take the time of this Congress for sloganeering and name calling and the impugning of motives, but to take the time of this Congress to have an intellectual debate over those issues, to take the time of Congress to really honor those troops and our veterans, and to discuss not what is left and what is right, but to discuss the way forward.

The gentleman from New York knows that every time the people from our districts and the American people tune into C–SPAN, what they see are Republicans and Democrats arguing and fighting and criticizing, attacking each other's ideas, impugning each other's patriotism, impugning each other's motives. Tonight is different, because we are not going to discuss what separates us and divides us, but we are going to discuss what, in fact, can unite us.

War in Iraq has caused an outbreak of war on floor of the House of Representatives, and tonight we declare a ceasefire. For me, this is not just a professional obligation, but, for me, it is personal, for two reasons.

The first is that several days ago I made a phone call to the father of Matthew Baylis. He was killed in Iraq last week. It was small arms fire in Baghdad. I have no idea whether Matthew Baylis or Matthew Baylis himself was a Democrat or a Republican or an independent or perhaps not registered to vote.

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I don't care. I do believe that Matthew Baylis would want Republicans and Democrats to come together to talk about the way forward; that Matthew Baylis and those like him, who died in the service of his country, would want us to spend more of our time talking about moving our country forward than moving our country to the left or the right.

And the second reason that this is personal for me, Mr. Speaker, is because it's being organized by the House Center Aisle Caucus, which is a bipartisan group of 50 Democrats and Republicans who have come together, based on certain propositions. The first proposition is, we can disagree agreeably; that we can state our differences without calling each other names; that we can debate the issues without having this Chamber sound like a fourth grade elementary school auditorium that's run amok.

And the other premise of the Center Aisle Caucus, Mr. Speaker, is that Democrats and Republicans will disagree on perhaps as much as 70 percent of the issues, which means we have a fundamental obligation to agree on the 30 percent that's left.

The problem is that even when we agree we haven't moved forward, because we've allowed our disagreements to paralyze areas where we, in fact, have consensus. And so the Center Aisle Caucus, which was sponsored, actually which was founded by the gentleman from Illinois, Congressman TIM JOHNSON, and me and the gentlewoman from Missouri, Congresswoman JO ANN EMERSON, and the gentleman from Kansas (Mr. MOORE), the Center Aisle Caucus has been meeting on an ongoing basis to find areas of agreement. We recently met with the ambassador from Iraq to the United States, and he gave us some ideas.

Before I yield time to my friend from New York, I just want to focus on some of the principles that we do agree on.

If you would listen to the debate here on the floor of the House of Representatives, Mr. Speaker, you would think that there are actually Members of Congress who want us to lose in Iraq. There's not a single Member of Congress who wants us to lose in Iraq.

If you listen to the debate on the floor of the House, Mr. Speaker, you would think that there are actually Members of Congress who do not care about the lives lost in Iraq. There is not a single Member of Congress who has a callous disregard for the lives lost in Iraq.

You would think that there are two types of Members of Congress, either Members of Congress who want defeat or Members of Congress who want to be in Iraq forever. I don't know of a single Member of Congress who supports either option.

The fact of the matter is we are not the enemies, Democrats and Republicans. Americans aren't the enemies. The enemies are the people that we're fighting, and we need to focus on this.

And the Center Aisle Caucus has gathered and has endorsed several principles that we're going to discuss tonight, and I'll run through them quickly and then yield my time to the gentleman from New York.

Here are the shared principles that Democrats and Republicans who are interested in finding common ground have articulated:

Number one, we support our Armed Forces. We want to make sure they have adequate force protection. We want to make sure they have everything they need to keep them safe and keep them sound, and we want to bring them home as fast as possible.

Number two, we want to take care of our veterans. And I am so proud to announce on this floor tonight that earlier today the Appropriations Committee, which I have the privilege of serving on, unanimously, Republicans and Democrats, Democrats and Republicans, passed a $109.2 billion package that addresses the critical health care and housing needs for our veterans. $18 billion above last year's level and $4 billion more than the President requested, and I hope that he will not veto that bill.

Our bill includes $87.7 billion in crucial funding for the Department of Veterans Affairs, which is a $6.7 billion increase in discretionary funding over last year's level. That is the largest single increase in the 77-year history of the Veterans Administration.

Our bill addresses the backlog in claims by adding 1,000 new claims processors, and that's going to help veterans who now wait an average of 177 days for the benefits they deserve. I am very proud that Democrats and Republicans today in the Appropriations Committee voted to take care of our veterans.

We agree that we need to secure Iraq's borders because there are too many reports that Syria and Iran are sending fighters and equipment and technology over those borders to make the situation in Iraq even worse, not resisting Iraq's sovereignty, and threatening our troops and Iraqi civilians.

We agree that we need to stand up Iraqi security forces because we cannot be there for a prolonged period of time. I would imagine that we all agree that we've all been there too long already, and so we need to find ways to stand up Iraq security forces, and we're going to discuss that tonight.

We agree that there's a need for regional change. We agree that the Middle East is a very dangerous place in the world, and we need to transform it, using all the tools in our toolbox, from a place where children are taught how to blow things up to a place where children are taught how to put things together.

We agree that Iran needs to be responsible, and we need to engage Iran with the carrot and the stick. And we're pleased that the administration, which had resisted having any talks with Iran with respect to what is happening in Iraq, in fact, held those talks recently.

And, finally, we want to defeat al Qaeda, and we are prepared to use all the tools in our toolbox to do that. Because it was al Qaeda in Afghanistan that launched the attacks on the United States which killed hundreds of Long Islanders, those represented by myself and those represented by the distinguished gentleman from Long Island, from New York's First Congressional District, Mr. BISHOP.

And on that I would be privileged to yield time to my colleague, the gentleman from New York.

Mr. BISHOP of New York. I thank Congressman ISRAEL for yielding, and I also thank him for organizing this special order, something I think that is long overdue. And let me also thank my friend and colleague from New York's Second Congressional District for his leadership role in the Center Aisle Caucus.

In a Congress that is, at times, bitterly divided along partisan lines, and that partisanship obscures the kind of discussion that we need to have on this issue as well as so many other issues, the Center Aisle Caucus stands for civility. It stands for honest and reasoned debate, and it stands for shared decision making. I say qualities that are often in short supply in this Chamber but qualities that are desperately needed, both in this Chamber and in our country.

Let me also start by offering my deepest sympathy and condolences to the family of Specialist James Lundin of Bellport in the First Congressional District, who also gave his life last week in Iraq. He represents, as you know, the 26th Long Islander to lose his or her life in the service of our great country in Iraq. His wake was today, and he will be buried tomorrow in Calverton National Cemetery.

And like you, Congressman ISRAEL, I called his father on Monday, and I spoke with his father. And one of the things that struck me was the remarkable dignity with which he and his family were dealing with what has to be unspeakable pain. It is that kind of dignity that we need to honor in the way we do our jobs, and it is that kind of dignity that we need to bring to what will hopefully be a fruitful discussion of how we move forward in Iraq.

And, as I say, this kind of debate is a debate that must take place. It must be an honest debate; and it must be a debate that, above all, is absent in the often inflammatory and pejorative characterizations of those who offer differing views. And we all engage, at one time or another, in these inflammatory characterizations.

As you said, Congressman ISRAEL, there is not a soul in this Chamber that does not support our troops. And, in fact, the evidence of that is over the course, the 4½ year course of this conflict, the fact that with overwhelming bipartisan majorities we have consistently given the troops each and every dime that this administration has asked for them and in some cases increased the amounts of money that we will make available to them.

We all want us to succeed in Iraq, in Afghanistan. We may have differing versions or different interpretations of what constitutes success, but that, again, is the kind of debate that ought to take place in a healthy and vibrant democracy.

But the debate thus far has been compromised, as you and others well know, when those of us who think that a time line is something that we ought to seriously consider. When that time line is characterized as a surrender date, that obscures the kind of discussion that we need to have.

When those of us who believe that we must change course in Iraq, when that is characterized by the questioning of our patriotism, that obscures the kind of debate that we need to have.

When looking for time lines or looking for benchmarks or talking about the way in which we fund our troops is characterized as abandoning our troops, that's the kind of thing that obscures the kind of reasonable debate that we need to have.

And with respect to supporting our troops, my own view, and I think this view is shared by a great many in this Chamber, that the best way to support our troops is to put them in positions where they can succeed and get them out of positions in which they cannot succeed. And I think we all agree on both sides of the aisle that what has taken place thus far has put our troops in positions in which it has been very, very difficult for them to succeed. So that, if nothing else, motivates an impetus on the part of a great many of us to urge a change of course in Iraq.

I want to speak just for a second, Congressman ISRAEL, about one of the shared principles. And, by the way, those shared principles are the kind of principles that all reasonable people should be able to embrace and support. But one is the issue of standing up the Iraqi security forces. It is a subject about which we have spoken in the past, and I'm proud to be a cosponsor of the legislation that you have introduced, along with Chairman SKELTON, that would create, in effect, a one-for-one exchange; that for each Iraqi brigade or battalion that we stand up, we would withdraw one of our own.

I think that that kind of approach has several advantages. One, it would be true to the goal that the President himself has set out, and I believe set it out as going as far back as January of 2004, that as the Iraqi stand up we will stand down.

Since January of '04, we have spent about $15 billion to train and equip and outfit Iraqi troops, and we have several hundred Iraqi troops right now in uniform under arms, and yet we continue to increase our own complement of troops.

I think it is a perfectly reasonable, sane, rational proposition that we impose obligations on the Iraqi troops; and as they step up to those obligations, we relieve our own troops of those obligations.

As I say, I think the legislation that you and Chairman SKELTON have filed and that, as I say, I am proud to cosponsor, I think that that is very reasonable legislation. I hope to see that legislation receive the kind of debate and discussion and attention that it ought to.

We're not done yet. As you know, we have a report coming to us in September; and at that point the Congress is going to need to make another set of

decisions. Hopefully, that kind of reasoned response to a situation that none of us can support in terms of how it has gone thus far is the kind of direction in which we need to head.

So, with that, I'm happy to yield back to you.

Mr. ISRAEL. I thank the gentleman, and I appreciate his raising this issue of one for one, because I think it's a perfect example of Members of this body having different ideas that may make sense, trying to offer those ideas in the spirit of some compromise and reasonableness. Let's go into the basis of that one for one and explore it as a possible, not a way out, because Iraq is certainly complex and complicated, but at least one measure of improvement.

The President has said that, in the past, and has stated this publicly, that for every Iraqi that stands up, an American will come home or be redeployed. And he has said that on several occasions. On other occasions, we've heard that there are between 250,000 and 300,000 Iraqis that have been stood up. Well, the gentleman can help me do the math. If in fact there are between 250,000 and 300,000 Iraqis that have been stood up and if for every one that stands up an American is going to redeploy, how come 250,000 to 300,000 have not redeployed?

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The answer is in how you define ''training'' and what it means to say ''stand up.'' In fact, go you take a look at the textbook definition of ''training'' in military terms, combat proficiency is what is important, and there are different levels of combat proficiency. If you are trained at level one combat proficiency, you are capable of fighting and winning convincingly anywhere in the world and you don't need any U.S. support. If you are trained at level two combat proficiency, you can fight and win almost anywhere in the world, but you need some measure of U.S. support, maybe some intel, maybe some reconnaissance assistance, maybe some logistics support. So if you take a look at the numbers of Iraqi forces that are actually trained at level one or level two combat proficiency, you will find that it is not 250,000 to 300,000 but far less. And the numbers ought not be repeated in a public forum, but far less than 250,000 to 300,000.

So the idea that we came up with was why don't we ask the President to report to the Congress on a monthly basis how many Iraqis have actually been trained at level one or level two combat proficiency, certify that to the Congress, and then we will redeploy an equivalent amount. Now, I am not suggesting that we withdraw that number necessarily. We might redeploy them to the borders so we can prevent Iran and Syria from inflaming the situation in Iraq.

The point is, Congressman BISHOP, that I don't claim to have all the answers and I know that this isn't the perfect answer, but it is an idea that we have tried to set forward.

Mr. BISHOP of New York. Mr. Speaker, will the gentleman yield?

Mr. ISRAEL. I yield to the gentleman.

Mr. BISHOP of New York. I think it is, as I said before, a perfectly reasonable idea but also one that represents, I believe, an imperative. I think even the most ardent supporters of our presence in Iraq must recognize the enormous strain that a prolonged presence in Iraq has placed on our Armed Forces, and I believe the most ardent supporter must recognize that it will be enormously difficult, if not impossible, for us to maintain that presence at the current level or even at the presurge level. And thus if there is a chance of bringing order to Iraq, it must in the long term rest with Iraqi security forces as opposed to our own forces.

And as I say, we have spent $15 billion thus far, and I won't say we have little to show for it but we certainly don't have as much to show for it as I believe everyone in this Chamber would agree. So I think that of the shared principles, and I think they are all crucial and important, but I think this perhaps take prominence over all the others because if for no other reason, just the simple logistics of maintaining the troop presence we have given our current end strength is going to be enormously difficult, if not debilitating, on our Armed Forces.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman. And, again, this was just one idea.

And the true value of the Center Aisle Caucus and this kind of dialogue, this unprecedented dialogue, and civil dialogue between Members on both sides is that we all have good ideas and we have all been trying to advance those ideas. And it is so refreshing to be joined by three members of the other side of the Center Aisle Caucus who have been extremely constructive, who have been true leaders in trying to forge bipartisan alliances in order to move the country and the debate not to the left, not to the right, but forward. And I am very proud that we are joined by the gentleman from Pennsylvania (Mr. DENT) and the gentleman from Connecticut (Mr. SHAYS), and I know the gentleman from Maryland (Mr. GILCHREST) has joined us as well.

And I yield to the distinguished gentleman from Pennsylvania, a leader in the Center Aisle Caucus (Mr. DENT).

Mr. DENT. Thank you so much, Congressman ISRAEL and Congressman BISHOP, for helping to organize this Special Order tonight. I think the American people expect this much of us, that they like to see this type of civil, controlled dialogue where we are trying to rally around, I think, some shared principles that we can pretty much agree to, that we are talking about this in a proper tone, keeping the temperature down, so to speak. And I think that that is what the public expects instead of all the sometimes hot air and noise and at times excessive partisanship that seems to be the public perception of how this institution operates far too often.

And I just want to take a couple of moments to commend you, Congressman ISRAEL, on something that you have shared with many of us who participate in the Center Aisle Caucus, and that is the idea of a Status of Forces Agreement and how such an agreement might be of benefit to us in Iraq.

And for purposes of this discussion, that Status of Forces Agreement is an agreement that is worked out between our government and the foreign country that delineates the legal partnership between the troops who are deployed to that country and the host government. And that is a very significant issue.

In the civil side of the law, for example, a Status of Forces Agreement can spell out proceedings under which nationals of the host country may file claims against the United States for damage to property of these nationals that has been inadvertently caused by the United States Armed Forces. An agreement is also important because it can be used to spell out jurisdictional issues with regard to criminal offenses. For example, these agreements are often used to make sure that American servicemembers who commit offenses overseas and are tried by U.S. military courts-martial rather than local courts. They can also delineate the conditions under which U.S. servicemembers charged with crimes within the boundaries of the host country are treated. A Status of Forces Agreement can specify, for example, that a servicemember accused of a crime in violation of local laws must be detained on board a ship or some other U.S. installation rather than await trial in a local jail.

We have never had a Status of Forces Agreement with the Iraqi government. I know that is something that you have been strongly advocating, and I believe it is high time that we implement one for a few reasons. First, a Status of Forces Agreement is an agreement between two sovereign nations. By executing such an agreement, we would be affirming sovereignty of the Maliki government and the right, as well as the obligation, of that government to exercise control over its own territory.

Second, a Status of Forces Agreement would send a clear message both to the Iraqis and to other countries in the region that we do not intend to establish permanent bases in Iraq, I think something that many of us on both sides of the aisle agree. And this agreement is usually negotiated for a fixed period of time, and it can be renewed or not, as was the case with the old Subic Bay naval base in the Republic of the Philippines.

The Philippines example is instructive, I think, in this instance. There

the Aquino government asserted its sovereign rights over Subic Bay by refusing to renew a prior agreement and other related treaties with our government in 1992. Thus the world was made to know that even though the U.S. had a presence in Subic Bay and a neighboring city for more than 90 years prior to that time, that presence was not permanent and was subject to an agreement that had to be agreed to by both nations. And third, as described a few moments ago, this agreement, if properly negotiated, can protect U.S. forces from being tried by foreign courts or prevent them from being detained in Iraqi facilities if charged with a crime under foreign law. This kind of measure is necessary to make sure that Americans operating overseas have the fullest protections afforded to them by Federal jurisprudence.

I also really want to thank you again for organizing this, and I think these shared principles you have outlined here are really a basis upon which we can have further dialogue. And a little later in this Special Order, I might want to talk about the Iraq Study Group recommendations, the Baker-Hamilton report, that I think many of us on both sides of the aisle have a good feeling about, and there is legislation that has been proposed and recently introduced, and I will get into that a little later.

At this time I would like to yield to one of our other colleagues, the distinguished gentleman from Connecticut (Mr. SHAYS), who has been to Iraq 17 times now.

Mr. SHAYS. Mr. Speaker, I thank all four of my colleagues, Mr. GILCHREST, Mr. DENT, Mr. BISHOP, and Mr. ISRAEL. I wanted to be here simply for the novelty of Republicans and Democrats trying to talk about where we could find common ground.

My basic view is that we made a mistake going in given that we didn't find weapons of mass destruction. But I tend to think it would be a mistake to leave precipitously. I think we went in on a bipartisan basis, and I think we could leave on a bipartisan basis. I just don't think we are as far apart in some ways as some may think.

I do think there should be a Status of Forces Agreement instead of a U.N. resolution as an occupying nation. If the Iraqis don't want us there, we will leave. I feel we attacked them; they didn't attack us. And we have an obligation before we leave to replace their army, their police, and their border patrol. That is really one of your shared principles. But if they want us to leave before, then they are a sovereign nation. They could ask us to leave and we would.

I will also close with this because I think it would be nice to have more of a dialogue rather than just speeches from us, but I think the Iraq Study Group is something that Democrats agreed to in principle and so did Republicans. And I agree that they left a little bit of discretion as to what they meant and we could each view it in the way that we want to, and so that would have to be worked out. But the basic principles of the Iraq Study Group, to my mind, should be voted on and supported by both sides of the aisle, specifically getting the Americans and the coalition forces out of doing police work.

Secondly, getting the Sunnis, Shias, and Kurds to work out their differences. They said with consequence if they didn't. I think there should be a timeline. I just think it should be not by 2/08. And, thirdly, to get the nations around Iraq to dialogue and we should be dialoguing with them, including Iran and Syria.

Mr. ISRAEL. Mr. Speaker, reclaiming my time, I thank the gentleman.

Before yielding to the distinguished gentleman from Maryland, just to clarify on the issue of Status of Forces Agreement, Mr. DENT was kind enough to join the Iraqi ambassador to the United States, Ambassador Sumaydi, and me and other members of the Center Aisle Caucus for a dinner where the ambassador himself talked about the importance of a Status of Forces Agreement.

Will it end the war tomorrow? Absolutely not. Will it end it next week? No. Is it one good, reasonable idea that will lower the temperature in Iraq, that will reduce the animosities that are flaming out of control there? I believe it will. And I am appreciative that the gentleman from Pennsylvania has cosponsored a bipartisan resolution that asks the President to submit a Status of Forces Agreement to the Iraqi government, not conclude one because it has got to be negotiated, but at least submit one to send a signal and a message that we don't want to own the place; that we are there and we will leave when the Iraqi government wishes us to.

With that, I want to thank the gentleman from Maryland for his bipartisan leadership and his great measure of thoughtfulness on issues with respect to Iraq, and I yield to the gentleman from Maryland (Mr. GILCHREST).

Mr. SHAYS. And I might add a former Marine, and I guess always a Marine, who was wounded in battle in Vietnam and was left on the battlefield for 3 hours before he was brought to safety, and we will always be grateful for that service.

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

And I also want to thank all of you for coming down here this evening for a thoughtful dialogue on the issues of war and peace that confront this country and literally the rest of the world.

I would just like to speak to the issue of Iraq in the context of where we are in the world today. This is not our grandfathers' world. This is not our parents' world. This is a new configuration that can't be compared to World War II or even the Cold War. This is a world that is now filled with tiny splintering, struggling countries and cultures. The Soviet Union is gone. Southeast Asia, Africa, Latin America, we see a great deal of struggling third world countries, cultures, people trying to find their place, their niche.

One of the countries, the United States, has a golden opportunity to integrate ourselves with the rest of the world to encourage peace and security. And if we notice around the world, the world is integrated right now. The world is integrated globally. It is integrated economically with trade. It is integrated politically. It is integrated when there are disasters. We saw what happened with the tsunami to countries like Sri Lanka and Thailand and India and Indonesia when the world responded. The integrity of the world's compassion for these people was extraordinary.

The world is also integrated with disease. Whether it is Ebola, malaria, bird flu, TB, you name it, the world is integrated.

And one of the ways I think to solve the problem, besides solving the problem of Iraq on the House floor the way we are doing it tonight with a discussion, is to integrate our integrity with the great land mass that is around this great globe. The integration of integrity.

□ 2045

I want to make a quick quote by a former artist, media person, diplomat named Norman Cousins, who wrote a fabulous book called ''Human Options.'' In the book is one extraordinary quote, ''History is the vast early warning system.'' And if we look at how we dealt with the Soviet Union over decades of time, it was step by step by step with dialogue. What did we do with China over decades, even after China said that they would like to destroy the United States, even if it wiped off half the population of China? It was step by step by step of dialogue. What did we do with the Cuban Missile Crisis? It was dialogue. Unfortunately, we never had a dialogue with Ho Chi Minh. We lost probably a million people on both sides of that conflict.

What is the issue here with Iraq? It's a dialogue with the Iraqis, it's a dialogue with the Sunnis, the Shi'as, the Kurds. It's a dialogue with the Syrians, the Iranians. It's a dialogue with the Middle East. It's a dialogue with the international community to integrate ourselves to make a commitment to the politics, to the economics, to the security of all the peoples of the world.

So, there is hope. There is movement. And the way to solve one conflict is to understand the nature of the culture. Talk first, for as long as is necessary. And that dialogue got us out of the Cold War with the Soviet Union. Nixon went to China. Kennedy did not bomb Castro in Cuba. That can work today.

I will close with this comment from a book I recently read by Anthony Zinni called ''The Battle For Peace.'' And Anthony Zinni described the Cold War

where one man is in a room with a cobra alone for decades, and the man wakes up one morning and the cobra is gone, but the room then is filled with bees; a whole different set of circumstances. And you don't deal with the bees the way you dealt with the cobra.

I thank all you gentlemen for coming here tonight for this integrated dialogue so our integrity can mesh a little bit better and we will find a solution.

Mr. ISRAEL. I thank the gentleman.

Before recognizing Mr. BISHOP, I want to follow up on a very important point that the gentleman made about the lessons that history teaches us with respect to the importance of having a dialogue with our adversaries. I wish we understood those lessons here in the United States Congress. Because if you take a look at those lessons of history, the Cold War, The Space Raid, World War II, all of the great challenges that confronted Congresses in the past have been solved with bipartisan dialogue. Think about the Cold War. It was the bipartisanship, the bipartisan approach of a John F. Kennedy and a Richard Nixon and that helped end the Cold War. Think about World War II. It was the political leadership of FDR and Harry Truman and the military leadership of Dwight D. Eisenhower. There was always great bipartisanship with respect to enormous foreign policy challenges in our country. Democrats and Republicans found ways to talk to one another. I guess there was a saying that ''politics stops at the water's edge.'' One of the concerns I have is that we have kind of lost that sense, that we have made foreign policy and made issues of war and peace partisan issues. And what we are trying to do here in the Center Aisle Caucus, with the gentleman from Connecticut (Mr. SHAYS) and the gentleman from New York (Mr. BISHOP) and the gentleman from Pennsylvania (Mr. DENT) is bring Democrats and Republicans back to the water's edge in the Center Aisle.

And with that, I will yield to Mr. BISHOP.

Mr. BISHOP of New York. I thank Mr. ISRAEL for yielding.

I want to pick up on a comment that my friend from Connecticut just made with respect to how we should deal with the recommendations of the Iraq Study Group. You suggested that we bring those recommendations here and we discuss them and endorse them. And I think that the model is the 9/11 Commission. It was a bipartisan commission that issued a unanimous set of recommendations, which in the main we have acted upon here in this Chamber. The Iraq Study Group was a bipartisan group that issued a unanimous set of recommendations. And I believe that they are ones that we can galvanize around, and I believe that they make good sense. They perhaps don't give all of us everything that we would want on either side of the aisle, but they do represent a way to move forward. And I believe that if we were to bring those recommendations here, I believe they would attract majority support in this Chamber, and perhaps that could then be used as a means to moving with the administration, who I think now has also endorsed the recommendations of the Study Group.

Initially they seemed to reject them, or at least dismiss them, but I think now, as time has passed and as the situation on the ground has continued to evolve, they now recognize that they do have merit, that they do have legitimacy. And they also speak to several, if not all, of the shared principles that we are discussing here this evening that come out of the Center Aisle Caucus. So I thank you for making that suggestion, and hopefully we can carry forward with that.

Mr. ISRAEL. I thank the gentleman.

I will yield to the gentleman from Pennsylvania

Mr. KENT. Thank you, Congressman ISRAEL.

I wanted to make a comment. You had mentioned our dinner engagement between the Center Aisle Caucus and Iraq's ambassador to the United States, and we had a wonderful dialogue. And I was struck by something that the Iraqi ambassador had said to us. Of course we, often, in the United States, talk about the tribalism that we see within Iraq, Sunni and Shia and Kurd. And it is sort of hard for us to understand the complexities of those tribal relationships and interactions. And the Iraqi ambassador, obviously a very well educated man, made a comment back to us about what he more or less termed ''American tribalism,'' I think referring to Republicans and Democrats. It's hard for them to understand how we operate. It was a point that I think was well intended and well understood. And I think that we have to think about that from time to time, that they see us, they see our bickering, too, from where they sit. We had a lot of comments about their behavior. Well, they have observed ours as well. And certainly our political dynamics are very difficult for them to comprehend. And I appreciated his insights.

I did want to make a few other comments about this recommendation, these 79 recommendations of the Iraq Study Group. I think many of us on both sides of the aisle realize that the beauty of this report maybe is not necessarily in every one of the 79 recommendations, but the process they adopted to make those recommendations. And I do want to give a little bit of credit tonight to the two prime sponsors of the legislation that was introduced just yesterday, that was Congressman MARK UDALL, a Democrat of Colorado, and on the Republican side, the father of the Iraq Study Group report, legislatively, FRANK WOLF, a Republican of Virginia.

And I think they have really gone out of their way to secure probably close to 50 cosponsors by now, fairly evenly divided between Republicans and Democrats. And again, I just think there is so much in this report that we can rally around and need to. I think we all agree, when you look at those shared principles up there, from defeating al Qaeda, I think every American, regardless of how they label themselves politically, agree that the defeat of al Qaeda is a primary and principal interest of all of us, whether in Iraq, or anywhere throughout the world. Containing Iran. Another issue we all agree, that the regime of Mahmoud Ahmadinejad is a menace, a threat, and we all I think agree that his potential acquisition of nuclear capability would be a very destabilizing influence on the world and something that none of us can tolerate.

And regional change; standing up for Iraqi Security Forces; secure Iraq's borders; take care of our veterans; and support our Armed Forces, I think those are great principles. I think this report, in many respects, addresses these issues.

So with that, I just again wanted to share those thoughts with you about the dinner with the Iraqi ambassador.

At this time I would like to yield back to Mr. ISRAEL.

Mr. ISRAEL. I thank the gentleman.

I would pose a question, if I may, to the gentleman from Connecticut, who as Congressman DENT said has been to Iraq 17 times and chaired the Subcommittee on Terror. I know he was consulted with respect to the Iraq Study Group report or at least I believe was consulted with respect to the Iraq Study Group report and see if he would share his perspectives on the value of the Iraq Study Group report in terms of generating some bipartisan cooperation and moving us in the right direction in Iraq.

I would yield to the gentleman.

Mr. SHAYS. I thank you for your question.

What was stunning about the 9/11 Commission was it was Republicans and Democrats, liberals and conservatives all trying to find common ground for addressing what was really a frightening sea change in our society, and that was the recognition that there was a real threat. And they called it ''Islamist terrorism,'' which the Islamist community needs to deal with as well. I mean, it is not Islamists, it is these radical Islamist terrorists. But the Iraqi Study Group had that same approach, Republicans and Democrats, liberals and conservatives making an assessment of the problem, and then recommending what needed to happen.

I would like to suggest something. And I would be interested, Mr. ISRAEL, how you would react to this, and that is, Mr. Petraeus and our ambassador are going to make a report in September. And I was thinking, you know, there could be a view they have a vested interest.

So one of the things that I would like to promote is that this same Iraqi Study Group go back to Iraq and say,

okay, this is what we found then, this is what we recommended. This is what General Petraeus is recommending and our ambassador. We either verify it or don't, or have subtle changes to it or maybe significant changes. But in other words, bring this third party back in to make an analysis since they already have credibility, and clearly General Petraeus does and our ambassador does as well. But I would be curious to know if any of you think there is merit to that idea.

Mr. ISRAEL. Well, I thank the gentleman. I think it is a very sound idea. The Iraq Study Group proved its value as an independent entity. And I have the highest regard for General Petraeus. In fact, he was in my office the day that the President announced the surge. And I was skeptical about the surge, personally I did not support the surge, but I thought it was important to reach out to General Petraeus and at least give him an opportunity to explain it to me.

I think he is the best we have. I have a very high regard for him. I think his report is going to be indispensable. I think it would be extremely useful to send the Iraqi Study Group back to take a look so that, like President Reagan said, ''trust but verify.'' I think that verification would be extremely useful.

And I will yield to the gentleman from New York.

Mr. BISHOP of New York. I would certainly agree. And I think we all await General Petraeus' report. And I don't know General Petraeus, but I have been told that he is a man of absolutely rigorous and unimpeachable intellectual honesty and he will give us an honest, spin-free report, which I think is something that we all need and would value. But I also think sending that coalition of people, as you say, Republicans and Democrats, liberals and conservatives, back to see on the ground conditions 9, 10 months after they wrote their report or 11 months after they wrote their report, I think would be enormously valuable and again perhaps would spur both the Congress and the administration to take their recommendations more seriously or give greater weight to them than we have thus far.

Mr. ISRAEL. Before yielding to the gentleman from Maryland, I want to again remind my colleagues and those viewing that what you've heard here on the floor of the House is different. You've actually heard Members from both sides generating ideas and agreeing to them rather than impugning each other's integrity. And that is exactly the purpose of this Special Order.

I yield to the gentleman from Maryland.

Mr. GILCHREST. I think when you generate ideas like we're having tonight with this decision, people are free to have an enthusiastic conversation where we can see each other's individual ingenuity. And then it is that collective ingenuity, that individual collective ingenuity that spawns these kinds of ideas that solve problems.

I couldn't agree more that the Iraq Study Group reassemble to evaluate where they were just 6 months ago in their recommendations to where we might want to be in September or sometime this fall is an excellent idea. And I am pretty sure that those men and women would come together to do this second reevaluation.

The other thing is, I think we, as members of our group here, Members of Congress, we need to do some preparation ourselves prior to whatever that announcement, whatever that assessment is going to be in September, we have to have some preparation for what we think the status of the conflict in Iraq needs to be.

And the third thing, while we are preparing for this report by General Petraeus, while we are encouraging the Iraq Study Group to reevaluate the status, as General Petraeus will, I really think it's important for us to continue to pursue a dialogue with all of Iraq's neighbors, including Iran and Syria.

Now, we all know that the Ahmadinejad administration, if I can say that, has said some pretty pointed, scary, threatened things. But it is my understanding that the Iranian people do not see the world, do not see the United States through Ahmadinejad's eyes. The Syrian people, the parents, the fathers, the people who want good lives for their children, the Chamber of Commerce in Damascus wants to have a relationship with the United States. There are many, many business people, many, many people in Iran that want a relationship with the United States.

So as we are preparing for this discussion in September, where we are with the surge and where we are with the conflict, let's get the Iraq Study Group together. Let's prepare for that statement so we understand where we think we should be. And then let's continue to pursue, however difficult it is, this dialogue.

Mr. ISRAEL. The gentleman from Pennsylvania.

□ 2100

Mr. DENT. Mr. Speaker, I also want to endorse the gentleman from Connecticut's idea about reconstituting the Iraq Study Group and sending them back over to Iraq at some point to help give us an update of this very useful report. I think we all can agree that many of us in this country, and I suspect in Iraq too, are frustrated by this slow pace of reconciliation that is ongoing in Iraq.

But, again, another point about this report, and I think this gathering tonight, I think this helps us as Americans try to reconcile our differences. We talk about Iraqi reconciliation, but I think in many respects we need a little reconciliation of our own.

Mr. SHAYS. If the gentleman will yield, when I was there this last time, what I found for the first time was that when the Iraqis got together to form a government last year, they were like someone described a sixth grade dance. The guys were there, the girls were there. Maybe once or twice there would be a little interaction, and they would go back. But nobody was dancing.

Now you are starting to see Sunnis, Shias and Kurds trying to see some common ground, and they are coming back to us and saying, don't rush us. But one of them said to me, I thought it was interesting, he said, ''You are complaining about the fact that we may take a break in the summer. What about your monthly break?'' They said, ''You are asking Sunnis, Shias and Kurds to work together. How come you guys aren't working together?'' They are starting to come back and throw that at us.

The difference is they are in an environment where they can get killed any day of the week, and yet we are telling them, find common ground. If they found common ground, probably some of that killing would talk.

But I am sorry to take so much of the time. I am just trying to add to your point that they are saying why don't we practice what we preach?

Mr. DENT. Well, it is a very fair point in many respects. I just want to point out something. When I first read this report back in December when it was first released, I had some concerns too, like many people, about some of the recommendations, particularly the recommendation about directly engaging Iran, for all the reasons we have identified. Ahmadinejad is a virulent anti-Semite. He has made such inflammatory comments. I think we all agree he is a menace.

After listening to Jim Baker and Lee Hamilton talk about the issue, I don't think any of us expect there to be any real process in a dialogue with Iran at a sub-cabinet level, but I think we also realize that you need to have that kind of a conversation initially and let the Iranians be an obstruction themselves, so we can then isolate them internationally and also perhaps drive a wedge between the Iranian Government and the Syrian Government.

I think it makes absolutely no sense for the Syrians to be engaged in destructive behavior in Iraq, given the fact that they have more than 1 million refugees, primarily Sunni, who are in Syria. Of course, Syria is ruled by Allawites, who represent about 10 percent of that country. So it is clearly not in Syria's interest to have protracted instability in Iraq.

So, again, I just wanted to thank the gentleman from Connecticut for his thoughtful idea about getting the Iraq Study Group back over there, perhaps hearing what General Petraeus says and make some recommendations on what he has said, and maybe give us a bipartisan way for us to move forward.

I think Americans want a solution. They don't want an issue in Iraq, but they want a solution. I think that is one of the great things about this dialogue tonight.

I yield back to the gentleman from New York.

Mr. ISRAEL. Mr. Speaker, I would ask the gentleman from Connecticut whether he is proposing any specific initiative to formally request that the Iraq Study Group reconvene and make an assessment in Iraq in the near future. If he is, I would be pleased to join with him on a bipartisan basis.

Mr. SHAYS. To guarantee it would actually come to the floor of the House, maybe we could put your name first and mine second. But I would love to work with you on that.

Mr. ISRAEL. I would welcome that partnership.

I am going to yield to my friend from New York, Mr. BISHOP.

Mr. BISHOP of New York. I just want to make two points. One, on the question of engaging Iran and others that we see as enemies or adversaries, you are quite right, Mr. DENT, that there is no guarantee of success if we do engage, but we can virtually guarantee no success if we don't engage. So it just seems to me that engagement is absolutely crucial.

I think I am quoting former Secretary of State Baker correctly when I quote him as saying that engaging in dialogue with our enemies is not appeasement. It is diplomacy and negotiation and dialogue, something I think we have had too little of. Hopefully we are moving in that direction now, and signs recently are that we are.

The second point I would make is that Iran has an awful lot at stake here. If, in fact, as a great many fear, Iraq becomes a haven for al Qaeda, I cannot imagine that Iran views an al Qaeda-Sunni dominated state on their borders as something that is in their best interests. So I think that they clearly do have in effect common interests with us in terms of bringing some order, some stability, to Iraq.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman. If my colleagues have any final comments, I would be happy to recognize them, and then I am prepared to close.

The gentleman from Maryland, Mr. GILCHREST.

Mr. GILCHREST. I thank the gentleman.

Just very quickly on the comment from the gentleman from New York, Syria is basically a secular country. It is not an Islamic state. It is secular. They feared al Qaeda and the Taliban, and they don't want al Qaeda in Iraq creating chaos. Al Qaeda was basically the enemy of the Iranians. It was the enemy of Iraq. It was a disruptive factor in the Middle East.

So careful analysis of each country, using the best diplomats in the world that the United States has, has the potential for unraveling this very difficult, chaotic situation. We know we need a military presence in the Middle East, we know we need a political presence in the Middle East, and we know we need an economic presence in the Middle East. With the emphasis on the politics and the economics with the Middle Eastern countries, I think we can back our way out of this chaos.

Mr. SHAYS. I would just like to thank you again for getting us together. This has really been a pleasure. I just admire all of you here tonight, and thank you for including me.

Mr. ISRAEL. I thank the gentleman. The gentleman from Pennsylvania?

Mr. DENT. I too want to commend the gentleman from New York for organizing this event tonight, this special order. We need to see a little bit more of this type of activity in this Congress, and I hope the American people who are watching this exercise tonight maybe find this a little bit different or maybe a little bit more refreshing than what they are accustomed to during special orders. I just want to thank you for putting this together.

One final point. I think Mr. GILCHREST made the point about interaction with Syria on a commercial basis in this country. A constituent called just the other day who imports various food products from Syria, because I have a large Middle Eastern community in my district. And just some of the challenges, they just want to go about life as they normally would.

I thought it was interesting. It kind of brings back home the point that people want to coexist peacefully. That the challenges and the stakes are very high in Iraq, and I think all of us want to make sure that whatever policy is pursued, particularly after September, it is one that is responsible and one that will make us all safer and hopefully the region more stable.

So, again, thank you, Mr. ISRAEL, for putting this on. It is much appreciated.

Mr. ISRAEL. I thank the gentleman.

I will close by thanking each of our colleagues to join with us this evening. Of the American people are accustomed to tuning into these so-called special orders and seeing a Democratic hour, which is usually spent beating up Republicans, and a Republican hour, which is usually spent beating up Democrats.

Tonight they saw something different. They saw Mr. DENT talk about a status of forces agreement, which Democrats can agree with. They saw Mr. BISHOP talk about the one-for-one agreement, which has bipartisan support. They saw Mr. SHAYS discuss an idea to have the Iraq Study Group reassess conditions, which has Democratic support. And they heard the historic perspective of Mr. GILCHREST, a perspective that only a Marine that was wounded in Vietnam can properly give to the United States Congress.

The point is that I believe that without sounding overly enthusiastic, that in the past hour there was more bipartisan, reasoned, rational discussion of ideas to move us forward rather than left or right than has happened on the floor of this House over the past 4 years. That is precisely what the Center Aisle Caucus was created to generate.

Tonight we close by sharing our principles: That we support our Armed Forces. We will take care of our veterans. More assistance passed in today's appropriations bill to veterans than at any time in the 77-year history of the Veterans Administration, passed unanimously by the Appropriations Committee today. We will secure Iraq's border. We want to stand up Iraq's security forces. We understand the need for regional change. We will push for that. We understand the threat of Iran. And we want to defeat al Qaeda.

Today's discussion was not about left or right, it was about moving forward. I know the gentleman talked about the servicemember that he represents who was lost in Iraq. Again, I would ask the American people to continue to support our Armed Forces.

I can think of no better evening and no better person to inspire this special order than Matthew Baylis, who we lost in Iraq last week, and I believe he would be very proud of what we are doing this evening. As I said before, I don't know whether he was a Democrat or a Republican. I have no idea whether his family are Republicans or Democrats. I do know that they would be proud that this evening, Democrats and Republicans joined together to talk about a way forward, without a single one of us calling another one a name.

IMMIGRATION ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. ROHRABACHER) is recognized for 60 minutes.

Mr. ROHRABACHER. Mr. Speaker, I have defended President Bush throughout most of his administration: From the war in Iraq; to those tragic mistakes that were made at Abu Ghraib, realizing they were just mistakes, but not at the heart of the policy; from the tax cuts to the preparation of the prescription drug bill.

I feel that I have been a loyal soldier to this administration, to the President, and, yes, to the country, especially on the country's war on terror. I have been four-square behind the President's successful efforts in that war and some of these efforts that we have been talking about today that are straining the public morale.

I have been very supportive of the President's tax efforts, fundamental economic efforts in the tax area to keep our economy humming.

So after all of this support, last week it was personally offensive to me to hear that I and millions of people like me were being described by the President as not wanting to do what is right for America because we refused to support the Kennedy-Bush immigration bill currently being examined and going through the Senate.

The President also suggested that those of us who oppose the type of legalization of status and those of us who

are opposed to the type of legislation that we believe will promote more illegal immigration into our country, that we are just trying to frighten people by using the word ''amnesty.''

The President, of course, insists on defining amnesty in a way that is independent and contrary to the way everyone else defines that word, and every time he does that, he loses credibility. Every time he follows his inclination to try to obfuscate this issue of illegal immigration, rather than to deal with it and to debate it four-square, he loses credibility.

The President also suggests if we know the details of the bill, the legislation, I call it, the Bush-Kennedy legislation, that we will support it. Well, the more we find out about that legislation going through the Senate, the more vigorously we should oppose that bill.

There are literally hundreds of loopholes in that legislation. I believe the very basis of the legislation is flawed in its intent. The fact there are so many terrible aspects of this bill, one has to suggest that the bill's intent was not the right intent to begin with. It was not a bill aimed at stemming illegal immigration, but instead this bill has some other intent, obviously.

The American people, however, can decide for themselves. The President says we need to get to know what is in the bill. Well, let's take a look at what is in the bill.

Problem number one: This legislation is an amnesty bill. I am sorry if that doesn't go by the definition that is handed down by the White House, which obviously has the ability to define or redefine words, but it is an amnesty bill. This bill grants immediate legal status to illegal aliens, and that legal status happens immediately, before any of the enhancements. They will have what they call ''enforcement enhancements'' in the bill that will help us ''enforce our immigration laws.''

□ 2115

But before any of those enhancements are activated, and they are called the triggers, before they are activated, every person who is here illegally will be able to be granted legal status, a temporary visa. It is called a Z visa.

So 24 hours after an illegal immigrant files an application, they will be granted a probationary visa, the so-called Z visa. It will be issued, and with that legal status, that visa, comes the right to live and work in the United States: Immediate legalization for everyone who is here.

The President tries to suggests it is not amnesty because we are not granting citizenship. And then a big cloud of smoke comes up for people to try to understand what's going on here.

Amnesty doesn't mean granting citizenship; amnesty means somebody is doing something illegal and you have now made it legal. All of them get this amnesty, this legalization, within 24 hours of applying the minute this legislation passes. That is whether or not the triggers, the enforcement mechanisms that are also in the bill, if they are never activated, these so-called probationary visas will never expire. They will continue on. Every 8 years or so they will have to be reapplied for, but they can be reapplied for and granted further extensions forever.

And the Social Security cards which come with that can be issued. These people when they have Z visas, these probationary visas, they are now eligible for all of our government programs with the Social Security cards and all of the other things that people who are here legally, people who immigrated to this country legally, people who waited for years to come here, who obeyed our rules, these other people are going to get it immediately.

Of course, U.S. citizens, what does U.S. citizenship get? The only difference is a right to vote. So how is this not amnesty? Obviously it is.

Word games aside, the Senate bill not only grants amnesty, but it also provides things that will do great damage other than just the amnesty to our country.

The much-touted fines of this bill, and there are fines that are required, and we have heard this, another cloud of smoke comes in during that discussion on this bill. We hear this idea there is going to be a $5,000 fine for those people who want to be serviced by this legislation. No, that $5,000 fine is not required before someone gets a legal status. That is what happens before someone becomes a citizen. This legislation that is passing through the Senate does not require $5,000 to legalize status. You cannot buy a used car in this country for $1,000; but $1,000 will give you the right to live in the United States and obtain government benefits, including Social Security, that goes with that legalization.

The Z visa fine, which is a requirement, it is just a payoff, that $1,000, is not the $5,000 that everybody hears about. It is about $1,000. Unfortunately, ignorant and lazy mainstream media people have been using the $5,000 figure, and even that I think would be a very questionable thing to give all of these benefits and rights to people here illegally for $5,000. No, we are going to give it to them for $1,000. And by the way, it can be paid on the installment plan. You can buy the right to live, work and receive benefits in the United States of America for $1,000. And it can be renewed every few years, it can be renewed every few years forever.

If a government official misuses information, according to this legislation, if there is information on an illegal amnesty application, and that information is misused by a government employee, there is a $10,000 fine for that government employee who would misuse information on an illegal immigrant's amnesty application.

So breaking into our country, entering the United States illegally, using false documents, which almost all of them have, identity theft to hold a job, and they are holding of course jobs that they are not entitled to have in the first place, this is somehow less onerous, we are only going to charge them $1,000 to legalize their entire status, but we are charging $10,000 for a paperwork mistake by a government official who might misuse the information or get it wrong on the application.

It should be noted that the amnesty of the Senate bill treats illegal immigrants better than they treat legal immigrants into the United States. Illegal aliens who snuck into the United States 5 months ago are given immediate legal status while legal immigrants who applied to come to the United States after May 1, 2005, must start the application process all over again.

Now these are people who have been waiting overseas. They applied after May 2005. They are overseas waiting. Those people who are not the law breakers, they must start the process over again.

So the illegals can cut in line, go around everybody around the world where there are millions and millions of people who are waiting to come here legally, who respect our laws, those people who cut in line in front of those who would be U.S. citizens and come here legally are the ones given the benefit. Those waiting in line have to, in fact, go to the end of the line, in some cases, according to this legislation, while the others scoot ahead.

This, of course, is a serious blow to those waiting in line who would like to come here legally, and that has not escaped the notice of the foreign press. People overseas are taking very close note of this. The foreign press is making it very clear what this legislation is doing to people who respect the laws of the United States.

This legislation is now being touted overseas by people suggesting that anyone who stands in line and waits and respects our laws is a fool. And, of course, we are making them fools by rewarding those who don't obey the rules and punishing those who do.

By the way, in the Senate bill a note from a friend, a note, a letter from a friend, is considered evidence that one has lived in the United States before. When an illegal alien applies to live in the United States, if this legislation passes, he can literally provide a sworn declaration from someone, as long as it is not a relative, as proof that he lived in the United States and now is eligible for this legalization of his status.

Is there anyone outside the White House who does not understand that this will cause a massive influx of new illegal immigrants into our country? Because if they want to get legal status, all they have to do is find someone to write a letter for them, and as far as they are concerned, that is a get-into-America-free card that one of their friends will write for them. Does anyone think that we are not going to

have a massive flow of people? That all of the people waiting in line will not hear about this? And what about all of the people not waiting in line hearing about this?

Between 12 and 15 million people are expected to apply for amnesty if the legislation now going through the Senate passes. Now how can the Department of Homeland Security possibly verify the letters that are going to be presented by people to prove that they have immigrated to this country or lived in this country for a given period of time; and thus, then they have legal status if they have lived here. Even if it is illegally being here, they still will be legalized if they have a note from their friend. Does anyone not understand the jeopardy that this rule puts us in in America? Yet it is in the bill. I mean, it is bizarre but it is in the bill. Who wrote this bill? Whoever did let this provision be in the bill.

And as for the much-publicized background checks that amnesty seekers are supposed to have, the background checks are going to happen on those people applying for citizenship. The background checks are going to happen after legal status has already been granted as a temporary status, a legal status that can be again renewed. Background checks are not required before the probationary visas are issued.

And yes, you heard it correctly, legal status must be granted to an illegal alien within 24 hours of that illegal alien making application. Even if the alien has not passed all of the appropriate background checks, within 24 hours, the Department of Homeland Security has to grant him legal status, a ''probationary visa'' which can go on forever. Can you imagine the criminals, the carriers of communicable diseases, the dregs of other societies, who will obtain a legal right to live and work in the United States because of this loophole?

How about the gang who flew planes into the World Trade Center? How about the terrorists, would they have been granted legal status immediately by this bill? Many of them of course were here illegally. They had overstayed their visas. The answer is yes, they would have made legal status almost immediately. It is insanity.

And a final burst of insanity, illegals who have been ordered deported by a United States court already, and the court has ordered them to be deported because they are not here legally, those people already under court order to be deported, will be eligible for this amnesty, for this legalization of their status.

Now listen to this carefully. Illegals who have been through the courts and are under court order to leave the United States, can apply for amnesty. Almost 636,000 aliens are in this country in defiance of a court order to leave. All of them can now apply to stay here under this bill. They will be given a temporary visa, a ''probationary visa,'' that can be renewed.

Talk about teaching a disrespect for law. Does a court order mean nothing? How can we simply allow people who have openly defied our laws; and, yes, also defied a court order from a judge in the United States of America, how can we simply ignore that? That is what the Senate legislation would have us do. That is the Bush-Kennedy legislation making its way through the Senate.

Problem number two with the bill, the enforcement triggers in the bill are actually weaker than the current law. What is a trigger? What we have are the enforcement mechanisms that are in this bill that are supposed to be activated. They will supposedly help us enforce the laws, like fences and more beds in detention centers and stronger border patrol.

The provisions of this bill, these triggers, these enforcement mechanisms, are actually weaker than current law. This bill does not require, for example, one more detention center bed. It does not require one more mile of fence. It does not require one more agent than is currently required by law. In fact, the bill cuts the fencing requirements in half so the bill actually, when they talk about to get the fence, we have to have this bill, although there is already legislation requiring the fence, this bill requires actually one-half the fencing that is already required by law.

It requires 11,500 fewer detention spaces and fewer border patrol agents than the Congress has already authorized in other legislation. So we are supposed to support the legalization of status for illegals in order to get the trigger mechanisms to work, in order to get the enhancement of enforcement when this bill weakens the enforcement that is already in place.

□ 2130

To think you can weaken an enforcement provision and then pretend that legislation somehow strengthens border enforcement is an insult to the American people.

Wake up, America. Our country is being stolen from us. Our country is being invaded, and the Senate legislation will accelerate this invasion.

And it is not just Mexican Americans who are crossing the border, nor South Americans and others who are crossing the border from Mexico. We also, of course, have a huge problem with illegal immigration of people who are coming into our country and overstaying their visas. They're just as much a part of the illegal immigration problem as those people crossing our Canadian and our Mexican border. Yet this bill does nothing, absolutely nothing, to strengthen the system to try to reform the U.S. visa system. They call it the U.S. visit exit system which, right now, when someone comes into our country with a visa, we don't know if they have left.

It was mandated back in 1996 that that system would be fixed and that we would track visitors to our country so we would know if they had come and if they'd gone home, and so then we would know at least who is here illegally. That hasn't even been fixed by this legislation. Of course, not knowing who is left or who stays in the United States, it makes it impossible for us to track who has overstayed their visa.

May I remind you that somewhere between a third and half of our illegal alien population, that's between 4 and 5 million people, are people who are here who have overstayed their visas. So I think it's misportrayed when we only look to our southern border, and too many people, too many people talk about this as something to do with Mexico. Well, it has something to do with Mexico, because a large number of illegals are from Mexico, but this problem is way beyond that, and there are many, many other illegals in this country, from Asia and elsewhere, that need to be brought to justice and to be returned to their country.

Now why is this such an important component of this bill? Because it's already been mandated by Congress, and what is important, in actually looking at the legislation going through the Senate, is that legislation doesn't even touch on this provision of trying to get control of this huge wedge into our system, this road on which people are invading like bacteria into our country.

The Bush-Kennedy legislation in the Senate, of course, does not touch on it, because that legislation is not aimed at stemming the flow of illegals into our country. It is, indeed, pro-invasion legislation.

Problem number three, a great many criminals are eligible for amnesty under the bill going through the Senate. Again, this is a simple statement of fact, and this is very bizarre.

Under the bill going through the Senate, some child molesters are eligible for legal status. I'm not making this up. A child molester in this legislation, a child molester who committed his crime before the bill was enacted, is not barred from amnesty if their conviction omitted the age of their victim. This is a bizarre loophole.

Who wrote this bill? Who included that in this bill? This is a nutty provision. The people who put that provision in the bill are working with those people who wrote the legislation.

Also, we have gang members who are eligible for amnesty. As long as a gang member signs a piece of paper renouncing their gang membership, they can apply for the probationary status and must be granted it within 24 hours. Now, I'm certain that signing a piece of paper will mean that the gang members will change their drug dealing and violent ways and become positive members of our society.

This bill will cost American taxpayers billions and billions, yes, trillions of dollars. Just one example. The earned income tax credit which now provides help for financially low-income Americans, we actually are providing them through this tax credit

some stipend, some money, it is currently done at a cost of $20 billion. It's a $20 billion expenditure that we're trying to help out low-income Americans.

Illegal aliens on Z visas and guest workers will be eligible to apply for the earned income tax credit immediately. They are now legally in this country, so they can have that income tax credit. The Congressional Budget Office says this will cost $20 billion more of our money.

Now the 1996 welfare reform bill demanded that persons be a legal resident of the United States for 5 years before they can receive any benefits that are eligible to people in the United States. Why are we granting illegal aliens and guest workers benefits that we do not give to legal aliens? How can this possibly be right that we treat illegal aliens better than law-abiding immigrants, much less treating them better than the poor people who are waiting in line, trying to emigrate to this country legally, who respect us and want to become U.S. citizens the right way?

Well, also in the Senate legislation is, of course, the old issue of State tuition and loans. Yes, in this legislation, State tuition and loans will be granted to illegal immigrants once they get their probationary visa. That means anybody who's come here illegally will automatically be eligible for all these educational benefits that our children are eligible for.

Actually, it's worse. Our children can't get in-State tuition. If we're 100 miles away over your State's border, we can't go to the other State and go in that facility, but someone who has snuck into this country from thousands of miles away or from the other side of the world can get a tuition break, and it is paid for by us, the taxpayers. They get in-State tuition, even though they come from a far-off country and have come here illegally, while if we try to go to another State we have to pay higher rates.

Now the legislation does ban some illegal aliens from being able to collect Social Security, and that's true. But we know that the President of the United States, for example, has actually already made an agreement with Mexico, although it was a secret agreement in order to provide what they call a totalization agreement, which will permit illegals from Mexico who have been working in the United States to obtain Social Security benefits for the work that they did here illegally, but that's just for the people from Mexico.

Now this bill says that others outside of the totalization agreement won't get Social Security benefits for the work they did while they were here illegally, but there's a big loophole in the bill. Any illegal who overstayed a visa but was issued a Social Security number will be allowed to obtain credit for the work they did illegally.

In other words, if someone was here illegally, overstayed a visa, while they were here on the visa, if they got their Social Security number, they will then be permitted to get credit for what they did when they were working here illegally because they then had their Social Security card.

We know that between, as I said, 4 and 5 million illegal aliens are people who entered here on a visa and then did not go home. This loophole would allow these millions of people who broke the law to work in this country to collect Social Security. At the very time when we are rightfully worried about the future solvency of Social Security, we will allow those who violated their visas to obtain the fruit of their illegal labors. They will be permitted to have Social Security. This is an incredible injustice to our seniors who depend on that system and should not worry about what amounts to basically this theft of Social Security benefits.

Now, let us note that there are many people trying to suggest that illegal immigrants actually help Social Security. People actually said this here in Washington.

Well, let's note this. More than half of the illegal immigrants in our country work for cash under the table. Now, of those people who are working for cash, are they helping our Social Security system? We're being told that illegals working here help our Social Security system. So these illegal immigrants, because they're being paid under the table, half of them are paid under the table, they do not pay into the Social Security system. And since they are paid cash, the employers do not pay. Not only does the worker not pay his contributions to the Social Security system, but the employer isn't paying his portion into the Social Security system.

So a negative effect is this job, if you look at it even beyond that, is that this job is a job that could be filled by an American citizen or a legal immigrant, but now that job's been taken by an illegal who is not doing anything to pay into the Social Security system. The legal immigrant or the American citizen, whose job that would be if that person wasn't there, would be paying into the system.

So Americans are losing jobs to illegals who aren't paying their fair share into the Social Security system. How does that help the Social Security system?

Corresponding to this, a flow of illegal labor into our country brings down wages in general. So employers might have paid $10 to $12 an hour, they're now paying much lower wages which then results, of course, in lower contributions to the Social Security system.

Don't tell me that illegal immigration or that huge amounts of immigration to our country will help the Social Security system. It's a grave threat to the Social Security system.

Of course, there are those who say, well, actually the way to make this right is to legalize all those immigrants who are here illegally and then they will be paying Social Security. Well, let me note this. Legalizing the status of those who are here illegally will make the Social Security challenge we now face dramatically worse in the future than it is now. Any plan that specifically gives Social Security to those who have been working in this country is an invitation to fraud on a massive scale.

What would stop anyone from claiming that they worked here under a false Social Security number? Hundreds of thousands of people pay into Social Security under various numbers. Hundreds of thousands, millions work here under false Social Security numbers. So how can you prove who used those fraudulent numbers? Who were they? You can't prove who they were. If they make that claim, how are we going to prove that that's not them?

We already have a huge problem with identity theft and fraudulent identification. Allowing those who work here illegally, who have worked here illegally to participate in Social Security, exponentially increases the incentive for fraud. Because now they were using false papers to begin with, now they will claim that they were here and they could claim they worked for any number of people, even if they didn't.

Another overlooked consequence is the survivor's benefits and disability benefits of the Social Security system. What would stop anyone from claiming my spouse worked in the United States under this false number, I am his widow, these are his children, please start sending me survivor's benefits now that we are entitled to them? Remember, billions of people around the world have no retirement whatsoever. Why assume that only younger immigrants will come to the United States? Why wouldn't someone in their 50s think, gee, if I come to the United States and work for a few years, maybe 10 years, the Social Security that I will get will let me live very well at home; I'll get it sent to me at home. Why wouldn't they think that?

If you had no retirement benefits and you knew that we were legalizing the status of millions upon millions of people who have come here, why wouldn't you do anything, including commit fraud, which they already do to get jobs anyway with their fraudulent documents, why wouldn't they do anything to get their hands on that Social Security? The bill going through the Senate would facilitate that.

Furthermore, many people who would be legalized under the several different proposals that are going around, including these ones that we are hearing in the Senate, the people that are coming here already and will come here under the system because it will attract many more illegals, these are mainly poor and unskilled workers.

The fact is over half the illegal immigrants in this country do not have a high school education. The inconvenient fact is that Social Security pays out more benefits proportionately to lower-wage workers than to higher-wage workers.

A projection I've seen from Social Security assumes that immigrants have the same general earning potential as native-born Americans. Well, that's obviously not true.

So to bring in people with low education or little education, what we're going to do in the long run is place the burden of about $100,000 per person in the long term on our Social Security system because they will collect that much more than they put in, especially if they come here when they are in their 50s, in the late 40s or 50s. In the long run, this will be a catastrophe for the Social Security system.

And last and foremost in terms of Social Security, in 1986, after being told that it would only legalize about 1 million people, 3 million people were actually legalized. Three million illegal immigrants ended up being given amnesty. That's back in 1986.

□ 2145

It is now 20 years later. The current illegal immigrant estimate ranges from 12 to 20 million people. I keep hearing the lowball, 11 million. Let me note the 20 million figure that I just suggested, that we have up to 20 to 25 million illegals in this country, this didn't come from a government source, it was from a private study that was conducted on the monies that were sent back as remittances to other countries.

They studied that and figured out how many people it would take to supply those kinds of remittances, and they came up with about 20 million people could be here illegally. Well, what's going to happen when those people are legalized? Last time, 1 million people became 3 million, and now we have maybe 15 to 20 million. Well, if we legalize those people who are already here, and then we permit them into the Social Security system, this will turbocharge the flood of illegals into our country.

So, what does that mean? We are going to end up, not with the 20 million that we had, 3 million before, and it became 12 to 20 million, now, with 20 million, 12 to 20 million, we could expect that by legalizing their status we will have between 45 and 60 million illegals here by 2027.

Wake up, America, 45 to 60 million people from other countries pouring into the United States? What is that going to do to our society? No fence, no wall, no minefield, no system will keep illegal immigratios out of this country. If we give them a reasonable hope that generous government benefits, including retirement benefits like Social Security can be theirs, if they can just get across the border and wait us out. Because that's exactly what we are doing right now. If we pass this bill that's going through the Senate, we are telling the people throughout the world that they will be able, if they wait us out and get here, they can expect to get pension benefits, health benefits, education benefits, beyond their imagination.

Who would not come, when they come, by the tens of millions, oh, much to the surprise of the people who were passing this legislation. After all, Senator KENNEDY didn't predict this massive jump that we have now when they passed the bill in 1986. Well, what's going to happen when they get here? The Social Security system will collapse, as will most of our government infrastructure.

Listen, being irrationally benevolent to illegals is a crime against our own people. The bill that's going through the Senate would bring about such a calamity in the United States of America. It would be a calamity for average Americans. Illegal immigrants are not, despite what you have heard, required to even pay back taxes in the legislation going through the Senate. The bill originally did not require any back taxes to be paid however.

However, there was an amendment to the bill, I understand, that was passed, asking that illegals pay back taxes. All right, we are going to treat our illegals better than we treat our own people, because that provision in the bill is weak. It only requires that illegal immigrants show proof that they have paid taxes for 1 year under subparagraph DI, that's according to the bill.

Unfortunately, the bill was written in such haste that there is no subparagraph DI in the legislation. So there are certain to be court cases arguing whether or not the provision that requires a certain amount of back taxes to be paid, whether or not that is a legal requirement or not. Because there is no section DI in the bill.

Remember, you do not have to show that you worked in the past in order to obtain a legal status. So the actual effect of the full amendment on taxes will be that you will have to show that you will pay taxes in the future if you come, and, frankly, how do I become an illegal immigrant with this type of lax attitude towards taxation? I would love not to have to pay my taxes if I had back taxes that I owed.

If people are paid under the table for years, we are just going to give them, issue them a waiver. You have paid up, made all this money in the United States. U.S. citizens will go to jail if they make a $1,000 mistake. You could have earned, $10-, $20,000, paid taxes, and you are forgiven.

The final insult, our tax dollars will go to lawyers that are helping illegal immigrants become legal. That's right, the bill gives money so that those people who are here working in agriculture will have other people who come to them and offer them free legal services to legalize their status.

Well, another problem, problem number 4. The authors of the bill say that this bill will end chain migration. But the bill that is going through the Senate does not end chain migration. Chain migration, just so people will understand, is when we allow relatives of immigrants who are already here to come to the country for family unification. They will do that and get in line before those other people who have been waiting long, long periods of time to emigrate to the United States.

Well, chain immigration is actually dramatically increased by the legislation going through the Senate. Now, they claim they have ended it, but look at what the bill actually does. The bill, right now, there are 138,000 people who come into our country legally through what they call this chain migration, you know, family reunification. For 8 years, they are going to increase that number to 440,000 a year. You get that?

So they say we are not going to change migration, but we are increasing it. We are tripling it for at least 8 years. Does anyone really believe that 8 years from now they are going to then end this? We have tripled chain migration.

The point system, which supposedly will take the place of this chain migration, is a joke. The merit system will not even kick in until 2016. What year is this? That's 9 years from now. So what you have to do is you have to take it on faith that the future Congresses won't scrap this system altogether. But, of course, the merit points are here, we are talking about, are granted for high demand occupations.

Now, what we are talking about here, of course, is the fact that the bill over there provides for a guest worker program and for us to restructure, supposedly restructure the legal immigration coming into our country, even though, by the way, we all know that by granting amnesty that will bring tens of millions of more illegals into the country anyway.

But the legal system, we are going to have a merit system, and we are going to have people coming into our country to fill jobs like janitors, maids, gardeners and other low-skilled occupations.

Well, you know, I can see that instead of bringing people in from overseas by the hundreds of thousands, by the millions, perhaps we should let the market work and let the pay level of our low-skilled workers increase so that our own people can get the job. In this country there are 69 million people of working age who are not working. People say, well, how are you going to get the people to pick the fruit and the vegetables? Some jobs they won't do. The President, of course, has stopped saying they won't do, he says jobs that they aren't doing.

Well, first of all, we have millions upon millions of prisoners. We have more prisoners who are healthy young men, by and large, 18- to 40 years old, who are sitting in prison doing nothing but pumping up, watching TV. Let's let them pick the fruits and vegetables. Let's let them make some money on it. Let's let them help pay for their incarceration.

No, there are people in our country to do the jobs, but they are not going to do it for free, and they are not going to do it for a pittance. I used to work

as a janitor, yet the janitors make about the same as I made when I was a janitor. What's different, the GDP has tripled. The janitors are making about the same amount of money.

Why? Because a flood of illegals have come into this country and bid down wages. Every middle class American working person has had his income brought down by illegals. Oh, yes, it's helped the employers, all right. It's helped the bosses. It's helped the rich people who want to hire illegal nannies. It's helped the people who want their lawns mowed because they would have to pay more wages.

They would have to pay the children of the neighborhood perhaps more than they would pay the illegal immigrant who comes around to mow the lawn. It's better for our country to have these people who are not working paid more money and have the people in our middle class pay more money than bring in millions and millions and millions of people into this country legally or illegally.

Of course, this country, this system would suggest that we bring them in illegally. That's what the Senate, the Kennedy bill, wants to do.

We currently have a 15 percent unemployment rate among those in America with less than a high school education. Why shouldn't we let them get those jobs? Yes, they might have to pay them more money, because they would have to attract them to work. That makes more sense to me than bringing in these people from overseas.

In my own district, I was contacted by people in the health care industry begging me, say we need nurses and health care people. Well, officially, they can't find the nurses and the people to work. They wanted me to support bringing in 100,000 Filipino nurses, 100 now from Pakistan and India.

But these are high-paying jobs, even the high-paying jobs, they want to bring in foreigners to do the jobs. No, this $50- to $75,000 health care job should go to a young American or middle-class American who is working their way through school. It could be a middle-aged American person who just wants to upgrade their skills. It should go to that person.

We went to junior colleges last week during break. I brought all the junior colleges and the hospital people together to find out why we didn't have enough people, trained health care people to work. Why was it a pressure for us to bring people from the outside?

We found out that in our junior colleges where we should be training these people, that they weren't permitted to pay the instructors of the people being trained for these health care programs more than they paid the other instructors who were teaching sociology and political science.

That just means that these nurses, who can earn more money on the outside, won't come to be teachers at junior colleges. They have 185 students at Golden West College who are taking nursing, and yet 24,000 students are taking classes that will enable them to get a job selling clothing at Nordstrom's or being the assistant manager of a 7–Eleven at $35,000 a year when there are $60,000-a-year jobs that are going begging in the health care industry, and they want us to bring in people from the Philippines.

This is wrong. This is a betrayal of the American people to bring people in from outside our country to bring down wages and take the jobs away from the American people who need those jobs. This is wrong.

But people say, no, no, we need a comprehensive bill, there is all this talk about a comprehensive bill. All this talk about a comprehensive bill is a cover, because every part of the legislation going through the Senate actually, that will be implemented, that will be different than the law that exists today, actually encourages the invasion of our country by illegals and by a massive flow of people coming into the country even through the legal system.

Do we need a comprehensive bill in order to try to set up those protections that will protect our border? No. It's already mandated. That bill actually weakens it.

Do we need something to help us with our visa system? No. You know, this isn't helped at all by the legislation going through the Senate.

Do we need it in order to have more Border Patrol agents? No we have already mandated more Border Patrol agents that is required by that bill. All of those aspects of that legislation are covered for the real purpose of the bill, which is to legalize the status of 15 to 20 million illegals who are here, which will then create a massive flow of illegals into this country, which will result in 20 to 30 to 40 million new illegals in this country within 10 years. We will have lost our country. Wake up, America. We already have a flood of illegals sweeping into our country, crowding our classrooms, closing our hospital emergency rooms, up leashing violent crime, driving down wages. None of this is theory.

□ 2200

It is a harsh reality that faces the American people and is borne not out of academic studies but is being borne out by the life experiences of American people, the American people across our country.

Middle class America is being destroyed. Our communities are not safe, our Social Service infrastructure is collapsing, and, yes, it has everything to do with illegal immigration, immigration that is out of control. And the bill going through the Senate, once they legalize the status of all those who are here illegally, there will be five and six times more illegals, ten times more illegals in our country. And what will happen then? It'll be lost.

Year after year, while our schools have deteriorated, our jails filled and our hospitals and emergency rooms shut down, the elite in this country have turned a blind eye to this disaster that is befalling the rest of us, their fellow Americans. The elites obscure the issues and try to maneuver, to keep in place the policies that reward illegal immigrants with jobs and benefits, just like the bill that's going through the Senate will reward the illegals who have come into our country.

This country, the upper class says, can't function without cheap labor. And it may be cheap to the captains of industry. It may be cheap to the political elite. But it's painfully expensive to the American middle class.

It's our kids whose education is being diminished, our families who are paying thousands more in health insurance to make up for the hospital costs of those who are giving free services to illegals. It's our neighborhoods that are suffering from crime, perpetuated by criminals who have been transported here from other countries. People who should not be here, criminals who should not be here are raping and murdering American citizens. More Americans have been murdered by illegals over the last 5 years than American soldiers have been killed in Iraq. Yet we hear a cry of pain and agony coming from the Congress for soldiers who volunteered to go overseas and take their chances. And what do we hear for the victimized Americans who are being raped and murdered in greater numbers than those being, the Americans being killed in Iraq? We don't hear anything except, well, let's, we need a comprehensive bill, a bill that somehow is going to be fair to the illegal immigrants who are already here.

Our job is not to be fair with people who have come here illegally, not to watch out for the benefit of people who are overseas. Our job as elected officials here, as Members of Congress, is to watch out for the United States of America and the people of the United States of America. There's nothing wrong with that. That's not being selfish.

And what do we hear from some of the Senators backing that legislation, even Republican Senators, as if we're being hateful by expecting our government to watch out for the benefit of Americans, rather than giving benefits away, draining our treasuries and giving it to people who have come here illegally or people in other societies? This is wrong. It's morally wrong. It's a dereliction of our duty as people who were elected to watch out for our people.

It's in our neighborhoods that are suffering from crime that's perpetuated by criminals who are here, as I say, from other countries. It's our livelihood that's being dragged down as wages are depressed and anchored down by a constant influx of immigrants, mostly illegal, some with H1–B visas, who will work for a pittance.

The American people have every right to expect that we're not going to

let masses of people come in and bid down their wages; that we're not going to let people come into this country and give them, like that bill does, immediate legal status when some of them have communicable diseases, diseases which are coming into our schools which we licked years ago, threatening our children.

It is not hateful to say that we have to watch out for our children. It is not wrong for us to put that as a priority and say, yes, we care about those overseas, we care about others. But it is not wrong and hateful and it is not some sort of a selfishness to say we've got to take care of our own people with our limited resources.

Of course, big business has a hold on the GOP. There's no doubt about it. I've been in the party for a long time to see the undue influence that big business has on the party. It's very clear.

Yet big business is in an unholy alliance and the GOP is in an unholy alliance with the liberal left, the liberal left coalition that controls the Democratic party. It is this unholy coalition between the big business element of the Republican party and the liberal left coalition which dominates the Democratic party that is responsible for this invasion of our country, this attack to the well-being of our people. The coalition gives the jobs and passes out the benefits that have lured tens of millions of illegals into our country.

And it's no accident. This predicament was predictable. Big business wants to depress wages. The liberal left that controls the Democratic party wants to have political pawns. They believe that large numbers of illegals will help them change America, or even large numbers of newcomers will help them change America.

Well, if you give the jobs and benefits, as this coalition in our Congress has done for the last 10 years, if you give away the policies that created the jobs and the benefits that have gone to people who've come here illegally from overseas, well, if you give them the jobs and benefits, the masses of the people over there, if you told them that they are eligible for these benefits and these jobs, they will do anything to get here. And that's exactly what they've been doing. As you say, give it, and they will come. Surprise, surprise.

And now, the out-of-touch elite claim this new piece of legislation, the so-called comprehensive bill will, in some way, fix the immigration crisis. That's what you hear.

Well, everybody wants a comprehensive bill because we've got to do something. Doing nothing is better than doing something wrong. Doing nothing is better than doing something that'll make a problem worse. And of course the people who say you've got to do something are the ones who created the problem in the first place.

And, as I said, all of these things that they're trumpeting in the bill, the new enforcement measures, the security measures, the fence, the new agents, the employer sanctions, all of these things are already in place in the law. But we have to give amnesty to illegals and actually encourage tens of millions more to come here in order to get that?

It's like Lucy holding out the football for Charlie Brown. This bill is yet another attempt to trick us as Lucy tricked Charlie every time. It is an illusion, a scam that will make things worse.

The Senate legislation being touted by Senator KENNEDY and the few Republican senators and our President, as I say, the purpose of that bill is to legalize the status of 15 to 20 million illegals, which will then bring tens of millions more. It is a pro-invasion bill. It behooves all of us, all of us to oppose that legislation because we love America.

The President has it all wrong. We want to do what's right for America. That's why we're opposing what he's suggesting.

In that bill, of course, is a provision that would increase the Border Patrol. And, as I say, the legislation going through the Senate actually increases the Border Patrol by fewer agents than is already required that the Border Patrol expand. A great deal has been made out of that. But let's take a look at what that really means.

Do we really believe that President Bush and this administration and, yes, those supporting this bill, are supportive of a strong border control of the fence and strengthening the Border Patrol?

This is an administration that has backed up U.S. attorneys who have taken Border Patrol agents who have stopped drug smugglers at our border and thrown the Border Patrol agents in jail for not following the proper procedures, giving immunity to the drug dealer, and throwing the book at the people, the law enforcement agents who are trying to protect us.

As we speak, Ramos and Compeon, two Border Patrol agents who, for 15 years combined in their lives, were risking their lives every day to protect us. One of them is a 10-year veteran of the Naval Reserve. The other served in the military before joining the Border Patrol. These people have clean records.

Yet the U.S. attorney has thrown the book at these folks, these two brave men, men whose records are clean. And yet he has, the U.S. attorney claims they are corrupt again by playing word games, just like his boss. And today, as we debate this bill, these two Border Patrol agents languish in solitary confinement in Federal prison.

How can anyone claim that they are in favor of the Border Patrol, strengthening the Border Patrol agents, when this administration has done so much to demoralize those people in the Border Patrol and to attack the well-being of those who are protecting us?

The demoralization of our Border Patrol is a grave threat to our national security and the safety of people. We need to back our Border Patrol agents. They do not support this legislation. We need to be strong. We need to make sure that we are doing what is right for the American people. That is what this battle is all about.

Let's remember those two Border Patrol agents because they symbolize everything that's wrong with that legislation, everything that's wrong with the position of the elite in this country. These are just ordinary men, Ramos and Compeon, who were out trying to protect us, just like our military people overseas, risking their life. Yet they were told not to use their weapons on the border, and they did, and they did not follow the proper procedures, and they were thrown in jail.

Remembering them, remembering what we do right for our own people, let us oppose this effort to change the immigration laws that would bring more illegals into our country.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Thank you so much, Mr. Speaker; and it is an honor to come to the floor once again. My good colleagues that have, we come to the floor working on behalf of the 30-Something Working Group; and I can just attest that it's just great to be an American and have an opportunity to share our thoughts and ideas and concerns.

As you know, the 30-Something Working Group, we come to the floor to shed light on the action of the House and to talk about this new direction that we fought so hard for last November, especially on the Democratic side of the aisle, to move this country in a new direction and exactly what the American people have called for. So we're excited.

I'm glad to have Mr. ALTMIRE and also Mr. MURPHY here with me tonight. And I know that Mr. MURPHY has been pulling almost a double duty here. I understand he was Acting Speaker a little earlier tonight.

And I had the opportunity, while you were in the Chair, to join Speaker PELOSI celebrating her 20th year of public service, 20 years here in the House. There were a number of great Speakers that were there, honored her family for allowing her to serve this great country of ours, and also recognizing the fact that she's history as being the first female Speaker. But also there were people like Patti LaBelle there, and just a really star-studded event. She deserves that honor and that appreciation; and constituents also, I'm pretty sure, are pretty happy and proud. All Americans are.

With that, I, of course, we, Mr. Speaker, we and mainly as of late, talking about Iraq, and as we speak

here on the floor, there's a major debate going on just across the hall in the Senate dealing with comprehensive immigration reform. Just in the last 6 months, we have done so much and we've talked about so much and we've taken action on so many different issues; and I know that Mr. MURPHY and Mr. ALTMIRE and I will be addressing many of those issues tonight.

This is our first time since the Memorial Day break, and I had a wonderful opportunity to attend a NATO conference, parliamentary, that the Speaker appointed me and I think 12 other Members of the House, bipartisan, spent some time over in Portugal meeting with some of our European Union partners there, and had the opportunity to go to Tunisia to honor those World War II veterans that are, or honor those that paid the ultimate sacrifice. It's the only U.S. cemetery on the continent of Africa; and it was so very, very special and touching, just as an American and as a Member of Congress, to go there and lay a wreath on behalf of those that paid the ultimate sacrifice.

And then having, and still having, Mr. Speaker, the opportunity to come back here and join with my family, who's here in Washington, go down to the World War II Memorial, which had Tunisia and all of the different countries where World War II, we had fighting and men and women lost their lives, to make that connection, all in a 5-day span, is something great as an American.

□ 2215

I just want to share that with the Members of the House. And we know that one of our soldiers just today, one of the soldiers who was found in Iraq was laid to rest at Arlington Cemetery, and we know that there are two that are still missing of the recent ones that were missing from the IED that exploded recently in Iraq. So we paid honor to those that have paid the ultimate sacrifice and their families and also to those veterans that served beside them. And it was such a great week, and I know that many of the Members had an opportunity to go back to their districts to celebrate the life of those that paid the ultimate sacrifice.

With that, Mr. MURPHY, I would like to yield to you, sir.

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Speaker, I thank the gentleman from Florida for yielding.

You know, it is funny. This is my first time as a member of the 30-Something Group, and I know I am the puppy of the group because I am only 33 years old. So when I ran for Congress, I had tremendous support from the network community, those bloggers out there all across America. But there are bloggers, especially in Philadelphia and greater Philadelphia and the suburbs that blog every day, and they got so excited when the 30-Something Group was their voice when you were in the minority. Your voice in talking about progressive values, talking about the things in the New Direction, that if we were just given the chance, we would lead. And when we got that chance just a few months ago in the 110th Congress, those bloggers, that network community, are just so proud of their efforts. And it is neat for me to be here to think that when we had a rebirth in our country and Philadelphia, the city of Philadelphia was part of that rebirth and to know that six of the ten biggest bloggers in our country are from Philadelphia and the Philadelphia suburbs. People like Chris Bowers of MyDD and Duncan Black of Atrios and how they are following the 30–Something Group every day and to be part of this group now is just a really proud moment.

And another proud moment that the gentleman from Florida mentioned is the fact that today is the 20th anniversary of the public service of the Speaker of the House, Ms. NANCY PELOSI from California. And when I was in this body just a few months ago speaking and taking that oath of office, taking that oath to support and defend the Constitution of the United States as a Member of Congress, and when I was there with my wife, Jenni, and my 6-month old, at that time a month old, daughter, Maggie Murphy, and I know, Mr. Speaker, that they are watching at home on C–SPAN because I am down here trying to work on behalf of our great country, I know that I was thinking of not just the folks that are over in Iraq, those men that I served with or those men that I had taught when I was a professor at West Point, but I thought about my month-old daughter, Maggie, and I thought about what an incredible story it is that when she was born into this great country, the third most powerful person is a woman, the Speaker of the House of Representatives.

And I thought about a role model. Here is this Italian Catholic woman originally from Baltimore, now in San Francisco, and the criticism about the Speaker before she got in here was that she wasn't going to do a good job or she was going to lead from the left. She has really made this a House united. She has reached across the aisle to the Republicans. She has tried to lead in a moderate fashion, and I think we have to give her a lot of credit. I know the analysts have said that she is getting high marks as the Speaker, and I know that I am proud that she is our Speaker and I am proud to serve under her leadership.

I will keep my remarks relatively brief. It is my maiden voyage here with the 30-Something Group, and I am joined as well with one of my brothers, the other MURPHY, CHRIS MURPHY, who is the elder statesman from Connecticut, who is a whole, I think, 30 some days older than I am, and I know tonight the Speaker Pro Tempore is the gentleman from the great State of Indiana, the sheriff, but tonight I want to speak about the New Direction that we are bringing about.

Finally, the rubber stamp Congress of the past is gone and the do something Congress is here. And we all campaigned in saying that we were going to hold President Bush accountable. And I had served in Baghdad as a captain with the 82nd Airborne Division, and I am so proud of my military service. My father served during Vietnam in the Navy. My grandfather served. My brother is still serving in the Air Force. And I think back to those times and what you come to expect of the Congress. And our men and women who are serving so honorably fight for our country. They fight to support and defend the Constitution of the United States, and they execute the public policy as it is drafted and implemented here in Washington.

And I know that I get e-mails from Iraq and Afghanistan and those heroes talk about sometimes they don't know what the policy necessarily should be, but what they do appreciate is the fact that we are actually having a debate, that we are actually asking the tough questions necessary. So when we talk about a New Direction in this 110th Congress, when we talk about accountability, part of that is what we just passed out of the Armed Services Committee with the defense appropriations bill. Talking about in Iraq when we give the Iraqis support, why is it that 4 years later they are still, for the most part, sitting on the sidelines? Why is it that we gave them pallets and pallets, crates and crates of literally U.S. money and pallets stacked this high, shipped it over to Baghdad, gave it out, and billions and billions of dollars are simply missing?

When we talk about accountability, we have to talk about the weapons that we have given the Iraqis. In the United States military, and I joined it back in 1993, we are taught pretty early that your weapon is your best friend. There was even a cadence that I used to sing when I would jog in the morning and run troops, ''I used to date a beauty queen; now I date my M–16.'' And it is kind of funny, but it is true in that you are always around your weapon. It is part of that accountability. If you lose your weapon, that is the end of your career. You will be lucky if you don't get court-martialed.

But how that relates to Iraq is we have given the Iraqis 14,000 weapons, AK–47s, M–16s, that are now missing. Think about that. We have given 14,000 weapons to the Iraqis that are completely missing, unaccounted for. That is not the accountability that our taxpayers are expecting. That is not the accountability that we should be expecting when we fight the war on terror because when you give billions of dollars over in Iraq, when you give 14,000 weapons to Iraq that are now just missing, that affects the lives of our soldiers. And we cannot stand for that.

I would also like to talk about accountability when it comes to Afghanistan and Pakistan. Almost 6 years ago,

our Nation was attacked by Osama bin Laden. Thousands of innocent civilians, innocent Americans were murdered on September 11 of 2001. The culprit: Osama bin Laden. He was in Afghanistan. He trained al Qaeda, and al Qaeda was really given a free pass by the government there, the Taliban. And we made a decision. We got a coalition. We got Canada and all these other countries going in there in Afghanistan to do the job. And then a short time later, President Bush said, no, let's change our focus to Iraq. Well, we have ten times more troops now in Iraq now than in Afghanistan. And when we talk about accountability, you have to ask the question, what are we doing to get Osama bin Laden? Why is it that we give Pakistan billions of dollars? We actually give Pakistan $80 million a month because we have intelligence that is unclassified that we can talk about here in this setting that Osama bin Laden is in Afghanistan and possibly on the border of Pakistan. So we need Pakistan's help as an ally.

Why is it that President Musharraf has outsourced the hunt for Osama bin Laden to his regional warlords?

Years ago we learned that we outsourced the hunt for Osama bin Laden in Tora Bora and he slipped through our fingers when we had a chance. We can't repeat the same mistakes. So if we are giving support to Pakistan and Afghanistan, which we should, they are our allies, we need to demand accountability. We need to demand the accountability that the American taxpayers, that the American families, and that the American soldiers deserve.

And the last point I would like to bring up on my maiden voyage here in the 30-something Group is education. One of the greatest jobs I ever had was being a professor at West Point teaching constitutional military law. And it was the Constitution that those young cadets who were about to become second lieutenants were going to take an oath to support and defend. And education is vital for Americans and our students to be more and more competitive in a global economy.

I joke with the gentleman from Florida we are not competing in my district in Bucks County for jobs against Florida. As I look at Mr. ALTMIRE, we are not competing with the folks in Pittsburgh in Bucks County. I look at the congressman from Connecticut (Mr. MURPHY). We are not competing with jobs necessarily against the folks in Connecticut. We are competing for jobs with people in China and South Korea and Japan and in Europe. And we need to have high investment in education so we remain more competitive.

And this gets me into our national debt. Right now our debt is over $9 trillion. So that means every man, woman, and child in America owes over $29,000 to our national debt. So that means when my daughter, Maggie, was born 6 months ago at Lower Bucks Hospital in Bucks County, Pennsylvania, she was born in that hospital and she owed $29,000 to our national debt. That is a debt that we owe to foreign countries like communist China, like Japan, like South Korea, like Mexico. We keep borrowing and borrowing and borrowing and borrowing.

Now, when I am back home, people say to me, PATRICK, we are at war. Of course it is going to cost money.

And I say, $9 trillion we have in debt, $9 trillion; yet this war in Iraq has only cost at this point about $450 billion. That is a huge difference.

And how it relates to education is just in March of 2007, we paid $21 billion just that month on the interest rate to this debt, just paying off the interest rate that we owe, $21 billion. But that same month we only paid $5 billion in education. So what we spend on education, $5 billion, we spend four times that much that same month on our interest rate on our debt.

We need a change and we are making that change happen here in the 110th Congress. And I am proud to be part of it. I am proud to be part of the leadership to make sure we do what is necessary, establishing a pay-as-you-go system, doing the things necessary to hold all of us accountable and this government accountable.

So I would say to the gentleman of Florida, thank you for giving me the opportunity on this maiden voyage. I look forward to many more times back here with the 30-something Group, and I am proud of all those supporters not just back home in Bucks County and northeast Philadelphia and Montgomery County and the network community. I am proud, on this 20th anniversary, of the public service of our leader, Speaker PELOSI, to be here amongst the 30-something Group. Thank you so much.

□ 2230

Mr. MEEK of Florida. Mr. MURPHY, I am just so happy that you had an opportunity to share some of your wisdom with us here tonight and also a perspective, especially someone who has been in harm's way and has been in the field with our men and women, and at the same time talking about education.

We just had a major education summit right before the break that the Speaker put forth, and Mr. MILLER and Ms. DELAURO were a part of that effort, and we were just so pleased to do that.

In the 30-Something Working Group, we kind of like to have a conversation. We know that everyone has to make an opening remark or statement, but, Mr. ALTMIRE, I am looking forward to hearing what you want to share with the members.

And, also, one of my constituents once called me. Serving in public service, you have an opportunity to hear some interesting things. He called me up. And you know these cable talk shows, where you go down to public television and you sign up and it's like a nonprofit organization. He called me, and I was a State representative at that time, and he said, Kendrick, I want you to come on my show. And I said, well, what are we going to talk about? And he said, we're going to talk about the consequences of the consequences.

So I had to kind of, I was on the phone and I said, ''consequences of the consequences?'' And he said, ''Yes, the consequences of the consequences could be consequential.''

But in this case, as we look at the consequences of the consequences, using his description of what was going on at that particular time, I couldn't help, as I yield to you, but look at the Newsweek cover.

I went home tonight before I came over here. My wife joined me at the celebration for the Speaker. And this Newsweek cover that many of us will be reading this week says, ''After Bush. How to Restore America's Place in the World.'' I mean, this is not a Democratic publication, Mr. Speaker. I think it's important for us to understand that we are living in serious times. And here at the 30-Something Working Group, we try to break things down so that everyone can understand, where Members won't say, well, I didn't know exactly my role at that particular time.

There are very historic votes that are taking place here. We just had an emergency supplemental. I think that every vote that every Member took was a heroic vote and a sheroic vote, in my opinion, need it be in the positive or the affirmative.

But I think it's important for all of us to realize that we have a role to play. And many of us, I know I do, share getting our men and women back home and bringing an end to this conflict, especially as it relates to U.S. troops serving in combat posture on the streets of Baghdad in the middle of a civil war.

Mr. ALTMIRE.

Mr. ALTMIRE. I just want to say how proud I am of my fellow Pennsylvanian and the second Murphy now to join the 30-Something Working Group, along with the gentleman from Connecticut. He is someone that we look to for his expertise, having been in the field of battle and having served in this conflict; and I really am excited to hear that he is going to be joining us now with the 30-something group to talk more about these issues. And he definitely has a unique perspective that he's adding. So I was excited to hear his voice, and I am very proud to hail from the same State.

I wanted to talk a little bit about one of the consequences of this action that we're talking about, as Mr. MEEK brought up, is the fact that we are creating, through our actions in Iraq and Afghanistan, hundreds of thousands of new veterans are returning to this country, many of whom are returning seriously injured. We have over 25,000 that have been injured. We are approaching 4,000 killed now. And those

that are returning and are going to have to use the VA system are going to find, thankfully, that for the first time in the history of the program, 77 years of the Department of Veterans Affairs, we have increased funding at a rate that has never been seen in the history of the Department. We are up to approximately $15 billion in increased funding for the VA in this Congress.

And as every member of the 30-Something Working Group knows and certainly every Member of this House knows, this is a priority issue for me. Funding for Veterans Affairs has languished in the past several years, unfortunately, but this Congress has stepped up to the plate in a bipartisan way, I will say, to give the Veterans Affairs Department, especially the health accounts, the necessary funding to take care of these hundreds of thousands of veterans that we are creating in Iraq and Afghanistan.

These are men and women who have fought bravely, people like Mr. MURPHY from Pennsylvania who have put their lives on the line, who have left a family behind to do this and have made every possible sacrifice. They deserve to know that they can count on the United States to give them the health care that they deserve and that they have earned, that they've been promised when they entered the military.

So we voted in just the first 5 months here in this Congress to increase funding by $15 billion for the VA. And significantly, for the first time ever, we exceeded the recommended independent budget request of the service organizations, the American Legion, the VFW, and others.

I want to repeat that point for my colleagues. For the first time ever, Congress exceeded the request of the service organizations. I think that's something we can be proud of.

We talk about the enormous achievements we've had in the first 5 months, the many bills and the different subjects that we have addressed. The fact that we have paid attention to and finally moved forward with our veterans health care facility in a way that is unprecedented in the history of this country is I think one of the things we can be most proud of in our first 5 months in office here.

Some of the things that this funding is going to allow us to do, we are going to be able to hire more doctors and nurses and improve medical services at the VA. As we saw with some of the Department of Defense facilities with regard to health care and Walter Reed, chronic underfunding can lead to some disastrous consequences. We need to make sure that we don't allow that to happen in our VA system. So this bill is going to improve the quality of care.

I have in my district a Department of Veterans Affairs hospital that is undergoing a $100 plus million expansion right now. Hopefully, when that is done, we are going to have in my district the preeminent health care facility in the entire VA network; and I want every VA facility to have that type of access across this country. Our veterans deserve nothing less than the highest quality health care this Nation can provide for them.

We are going to reduce waiting times. We have a backlog at the VA, unfortunately, of nearly 500,000 cases. And every Member of this House knows, you probably have the same experience that I am having in my office of people who are calling, frustrated veterans who want to access the VA health system but they have to wait, they have to get in line. And it is a very long line, weeks or months of waiting, because of that backlog, nearly 500,000 cases. The bill that we passed in this House, the legislation that we've passed is going to go a long way towards improving that situation.

Mr. MEEK of Florida. Mr. ALTMIRE, if you would yield, and Mr. MURPHY, I just don't want it to go by. You're talking about what we just passed before we left, received the funding for, with a major fight at the White House. I mean, the President wanted to veto it. He said that's not what I asked for. Meanwhile, Walter Reed was still standing by for the dollars to be able to make the corrections that they need to make.

We know that we passed the Chairman's, Mr. SKELTON's, bill, Armed Services bill off this floor to help us with readiness and all of those things. The President said that he is going to veto many of these things that are over his mark. But what you're talking about is something that we couldn't even dream of in the last Congress. I mean, you start thinking about how we moved the ball down field, and I mean by force. And Mr. Speaker, I can tell you, many of us, not only do we have to eat our Wheaties, but we have to do our pushups. And mentally we have to prepare ourselves between our ears to go to battle on behalf of the American people and those that have served.

So I hear exactly what you're saying. I just want to make sure that Members understand. And guess what? Again, Democratic leadership. A number of Republican colleagues, I believe with maybe 80 of them, voted against the emergency supplemental to get these dollars to our veterans to show you that if we can get these great issues to the floor and that we can get a vote on them that the American spirit and the bipartisan spirit will then take off, versus those that said, well, we don't need to do it. And we are doing it in a meaningful way that veterans are going to see an improvement as we move on.

So I just wanted to hit that real quick, and I yield back. But I just wanted to be able to, especially from a person that was around as it relates to Members on the floor, now, I guess I'm the only Member that was in the 109th Congress and 108th Congress, to reflect on that historical note there of just leadership and making it happen on behalf of our veterans in Pennsylvania and other States.

Mr. ALTMIRE. I appreciate the gentleman from Florida (Mr. MEEK) for his comments and certainly his leadership on this issue, which is unmatched in this House. I am proud to hear your comments.

We have a situation at Walter Reed which we all came to know very well, of course, in the months. I had the opportunity to tour Walter Reed, and when you see these kids that are returning from battle and you think about them, one of the fantastic gentlemen that we met was a 2005 graduate of the Naval Academy. And you can picture him just 2 short years ago in his uniform, throwing his hat in the air, excited, cream of the crop, the best this Nation can put forward, and he came home just horrifically injured.

It breaks your heart to see these men and women who fought so bravely, and you think that they went home to Walter Reed, and it is our responsibility to give them the best medical care that money can provide, and we had disastrous things happening there. You think of the living conditions that were outlined in that Washington Post article, and the paint peeling from the walls and the rodents and the mold, and you think, how could we possibly have let this happen?

For several years, there were complaints that were made, but nothing was done about it. But this Congress is doing something about it. We have not only done the investigations and the oversight to find out what went wrong and to hold those accountable who are responsible for what happened at Walter Reed, but, just as important, we have a commitment in this House and in this Congress that this is never going to happen again.

We are going to give the necessary funding to the Department of Defense and to Walter Reed so that they can take care of the maintenance and the repair that's necessary. And we are going to do a top-to-bottom review of every Department of Defense health facility and every VA facility in this country, find out if anything similar is happening, if there are any problems of this sort, and fix them immediately, not wait for this to take place again.

Because it shouldn't take a Washington Post article. It shouldn't take the newspaper to bring this situation to light. We have a responsibility, and we are fulfilling that responsibility, to ensure that this never happens again. And we are doing that in a variety of ways, through oversight and through the funding increases that I've talked about.

The supplemental bill that we supported and that went to the President's desk, which was signed, included an increase in funding to help the Department of Defense health care and the VA health facilities fulfill these obligations. And, as I said, we are now at record levels. The Appropriations Committee dealing with Veterans Affairs just today announced that they had marked up their bill with a $6.7 billion

increase in funding for the VA which, as I said, for this 1 year is the largest in history and is nearly $4 billion above what the President had requested.

We are going to talk a little bit later about bipartisanship, and that is an issue of which there can be no disagreement. There are issues that we talk about, like immigration, like Iraq, like tax cuts, where there is a deep divide among us. There are serious policy differences among us. But every Member of this House can agree that there is no group that should stand ahead of our Nation's veterans when it comes time to make Federal funding decisions. That is an issue that we can all agree on.

I am proud to be a Member of this House that has, for the first time in a very long time, as I said, created an atmosphere where we all agree that veterans come first, and we need to increase the level of funding for the VA health facilities after years and years of neglect.

So, with that said, I would yield at this time to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Thank you very much, Mr. ALTMIRE.

I want to key off of your last point there, just spend a couple moments before we kick it back to Mr. MEEK, on that issue of bipartisanship. Because you are exactly right. You know, it seems like a pretty simple premise that the cost of the war should include taking care of the warriors when they return back home, that the cost of the war isn't just the guns and the ammunition and the mechanics necessary to fight a war in Iraq or Afghanistan, the cost of the war is also taking care of those men and women when they get back home. That is this war and that is previous wars.

So it sounds like a pretty unanimous premise that we could all get behind, but the fact is that we didn't get behind it, and we didn't get behind it until the Democrats took control of this Congress. It was just platitudes and rhetoric for a long time, ''let's support our troops and support our veterans.''

□ 2245

So I think we got to be clear today, as much as we are going to talk about the importance of bipartisanship, it took the Democrats to put some of these issues out before the House in order to garner bipartisan votes. I think that is maybe as important as anything that we have done in these first 5 months, is that we have gotten rid of that old rule that I heard a little bit about when I was watching this place from afar in Connecticut called the ''majority of the majority.''

I heard about this rule where nothing could come to the floor of the House of Representatives unless the majority of the majority party supported it. So you had very few opportunities for there to be real bipartisan cooperation, because you had to have almost unanimous agreement from the majority party, at the time the Republicans, in order for anything to get down here to the floor of the House.

We talked a lot, Mr. MEEK, when we stood up here after that sort of glorious first 100 hours about those bills, those six or seven bills that we passed, and how many Republicans we had on board with each one of those. They were really remarkable numbers. On average we had 60–70 Republican votes for each one of those. It doesn't get covered much in the news. The news wants to cover just the grinding and gnashing of the two parties.

We had a lot of bipartisan cooperation, and that has continued. That has continued. In the last few weeks here we had on a bill to reauthorize funding for children's healthcare, we had 123 Republicans supporting it. That same 123 Republicans supporting increased record funding for Katrina recovery. On the joint funding resolution that finally restored some fiscal balance to this country, we had 57 Republicans supporting it. Increasing the minimum wage, 82 Republicans.

I know when you turn on the cable news networks you are not going to hear about the times that we agree. But why a lot us were so enthusiastic to stop by and send well wishes to Speaker PELOSI on her 20 years in Congress is because she has made good on her commitment to make this the most open and ethical and bipartisan Congress in a real, real long time.

I know, Mr. MEEK, this doesn't get the headlines all the time, that the newspapers want to talk about the places that we conflict. But there has been a lot of cooperation here and it has mattered. I think it has made a difference.

I think one of the things the people don't understand is sort of how this place works, and I certainly didn't understand it until I got here.

It used to be it was impossible, virtually impossible, for Democrats to get their amendments heard on the floor of the House of Representatives. You were going to get a bill introduced by the Republicans, and that was about it. No more debate, no changes, no amendments. Nothing. No real opportunity for the People's House to actually engage in a real argument, in a process of coming up with a better piece of legislation.

That has changed now. In the first 5 months of 2005, we had two what are called open rules, bills in which any Member can put forth an amendment, have a chance to have that idea vetted and aired out before the House of Representatives. We have quadrupled the number of bills that have come before this House under a so-called open rule.

I know these are sort of arcane terms that people out there may not understand, but they matter. It means that every single one of the 435 people that are elected here have a chance to make a bill better, have a chance to have their voice their constituents' voices heard. For a long time it was shut down.

So it was a good night tonight to be able to celebrate Speaker PELOSI's two decades here in the House. A lot of us are excited about the potential that lies before us to be able to really reset our direction in Iraq, to do better things in energy policy, to stand up for working families.

But for a lot of us that came here on the backs and shoulders of our constituents who have virtually lost complete faith in politics, maybe we are just as excited about the fact that, despite what you may see in the cable news networks or reading the headlines, we actually are starting slowly to bring people together here, to open up this House, this process, again, to make it a true bipartisan People's House.

Mr. MEEK of Florida. You know, Mr. MURPHY, it is very hard to move in a bipartisan fashion. One speaks constantly about the bipartisan spirit, about bipartisan action. Spirit and action are two different interpretations of actually getting something done.

The action part means that Members are able to vote with their voting cards or walk up to that desk and sign a card that says yea or nay and work in a bipartisan spirit on the yea. Many amendments from our Republican colleagues, some of them are passed and some of them are not passed. But the bottom line is they have at least the opportunity to come to the floor and to bring their ideas to the floor. Definitely in the area of financial services.

We have spent a very long time, Mr. Speaker, on this floor hearing Republican amendments that were offered in committee, offered in subcommittee. Some came to the floor and we were able to work those amendments out to become a part of the work product. Others just wanted to file an amendment, for whatever reason, but had their opportunity in this democracy to do so.

Many of the Members in this House, of course we have a lot to do, and Members when they come to the floor, they said, I thought this amendment was already voted down in committee? But many of the Members on the minority side, the Republican side, had an opportunity to offer it, Mr. MURPHY. I think this really makes a difference between Democratic leadership and Republican leadership.

Even though we may not agree, giving the opportunity to others to be able to take part in this democracy, something that was suppressed in the two previous Congresses that I can speak to. And I can tell you that it should be well-noted here that this House has provided the kind of leadership to allow the minority party here in this House, which are the Republicans, to have a voice in the process of making laws. That is so very, very important.

I will say this and then yield back to you. Some are saying, why aren't you

treating the Republicans as the Republicans treated you or treated Democrats. Well, guess what? Forty-two new Members of the House, especially when you are on the Democratic side, all of you in this Chamber who are part of the majority makers, they voted for change. They didn't vote for the same. They voted for a government that can work in a bipartisan way. They voted for the kind of leadership to allow minority Members, who have constituents just like I have, to vote for veterans assistance, to be able to vote to make sure we put forth dollars to come up with alternative fuels and other ways that we can supply America so that we can invest in the Midwest versus the Middle East. They voted for all of that.

And guess what? That takes time and tolerance, Mr. Speaker, and that is something that the Republican majority in the previous Congress did not have. I am glad we have the tolerance. I am glad we are taking the time. I am glad we are working the way we are working, even though it is very painful for many of us and our constituents and many that have our families back in the district.

In this time and this place in history, when you have cover after cover, how do we restore America's place in the world, it is not how the world thinks about us. It is about what kind of leadership are we providing, not only for our constituents, but for the United States of America. And just at a time we are trying to dig ourselves out of out-of-control borrowing from foreign nations, we are seeing differently.

I am a Member of the NATO parliamentary group, and I can tell you, when you are talking to some countries, and it is kind of like you have to be quiet for a moment, have some level of contrition and listen to what other people are saying, because they feel we have been dictating to them what they should do and what they should think, and they are saying, by the way, you owe us money. You owe me money. You owe my country money.

So we have domestic issues that we have to cover. I know we are going to talk about stem cell research and I think that is very, very important. That is part of the new direction. It is leadership. Sometimes leadership is lonely. But we have to do it.

Mr. MURPHY, I just want to thank you for bringing some of these issues to light and talking about what it takes to bring about bipartisan action versus Members coming to the floor and saying we should have a bipartisan spirit.

Well, spirit is a good thing, if you use it religiously. One of my friends, Dr. Michael Eric Dyson, I have read a couple of his books, he says spirit makes religion act right. The real issue is that it is good to have spirit. We all feel good about it. But action is even better.

Mr. MURPHY of Connecticut. You can talk the talk, but you have to come out here and do it. You have got to put bills before this House that have Republican ideas in them and have Democrat ideas in them. And you have to be okay with the fact that we can share credit. Listen, nobody in my district cares whether I am a Republican or a Democrat, as long as I am on the right side of the issues, as long as I am fighting for what they believe I should be fighting for.

People don't think in Republican or Democratic terms back at the places we come from. They think about Republican and Democratic terms here inside the Beltway in Washington, DC, but back out in America, Mr. MEEK, people think about what is right and wrong; what is good for people and what is bad for people. Not Republican and not Democrat. I think we are beginning to start to figure that out.

Mr. MEEK of Florida. Mr. MURPHY, you are 110 percent right, and that is what folks voted for. They didn't vote for you to go be the strongest Democrat you can be, or I want you to go and be Republican-like. The bottom line is they voted for us to be Members of Congress, constitutional officers having a part in this process, one of the three branches of Government, and making sure that every Member is able to fulfill their constitutional duty and come here and participate.

I feel so good about it, it is like almost I have chill bumps. To be able to come to this floor, to be a part of the whole begging, if you get us an opportunity to train the thought it could. All of those things we talked about, you think about where we were and where we are now, and that we still have the kind of spirit that we had then, we still want to fight and we still have battles ahead of us.

We have a President that is saying you do anything over the budget that I set forth, no matter how good it may be, children's healthcare, veterans affairs, the issues dealing with the environment, I am going to veto it.

Well, you know something? We are here saying fine, if you want to veto it, then consider yourself challenged, versus, well, if you say you are going to veto it, then I guess we can't do it. Even though we have our challenges in the Senate, I think that it is very, very important as it relates to getting a number of these agenda items through, because of the close numbers there, I think the American people are going to continue to follow in the spirit of a new direction and help us carry out the agenda that they wanted originally, and hopefully some of our Republican colleagues in the Senate will be able to come together and have bipartisan action and move it forward.

Mr. MURPHY of Connecticut. Before we send this back over to Mr. ALTMIRE, Mr. MEEK, let's talk about an issue on which I think this Congress is going to stand together tomorrow, Republicans and Democrats, and stand against the policies of a President who is going to show once again how out of step he is with the American public, and that is on the issue of stem cell research.

Mr. Speaker, I had the opportunity when I was in the Connecticut State Senate to author Connecticut's Stem Cell Investment Act. Connecticut became the first State in the Nation through a legislative act to invest public dollars in stem cell research. I am real proud of that.

But part of the reason that I decided to leave the State Senate and come here to the United States Congress is because it was a bittersweet victory for us. We shouldn't have 50 different State legislatures investing in basic scientific research; certainly not the type of potentially pioneering, life-saving scientific research that stem cell research, both adult and embryonic, holds in its vast and potentially limitless potential.

So, tomorrow, we are going to take up a bill that we took up at the beginning of January, now coming back to us from the Senate, which is the Stem Cell Research Enhancement Act of 2007, which is once again going to allow for Federal dollars to be used for both embryonic and adult stem cell research around this country, and, by the way, finally put some real ethical and moral and scientific boundaries around that research.

One of the great secrets in this world today is if you don't live in a State like Connecticut, California or New Jersey that has put forth in State legislation some moral and ethical parameters around stem cell research, this research is largely unregulated in this country. So I think the most important thing we will do tomorrow is pass in a bipartisan way a bill that will start to turn on Federal funds for research that, as we know, potentially will unlock the treatments and cures for such insidious diseases as juvenile diabetes and Parkinson's research and maybe even for cancer some day.

This isn't tomorrow's cure and it is not even the day after tomorrow's cure, but if we don't start investing now and start investing at a Federal level, start investing our Federal dollars, we are never going to get to that day when we can start to realize the potential of stem cell research.

But here is where the rub is. We are going to do this with Republicans and Democrats standing together. There will be more Democrats supporting it than there will be Republicans. That is just how this issue is going to work. But this is going to be an issue in which this Congress, because we are in tune with what the people are telling us, that they want us to use the research at our disposal to try to make people's lives better, that is what this is all about, trying to use the resources of the Federal Government, the communal resources of the American people, to try to make our lives better, that is what stem cell research can do. They want us to make that jump. It is going to land on the President's desk and he has already told us once again that he will veto it.

He is continually out of step with where the American people are with

this war in Iraq. Now he will once again show us he is out of step with where the American people are on healthcare.

But, once again, we are going to show that if we stand together, if we put party aside and we listen to what the people want, in this case they want a Federal Government that is going to start standing up and trying to find cures for cancer and Parkinson's disease and bone marrow disease, that we can do some pretty amazing things here if we stand together.

We passed things with bipartisan support in the past. We will do it tomorrow on maybe one of the most important things that we will do before we take our break for the summer, which is invest in stem cell research.

□ 2300

Mr. MEEK of Florida. I just want to say that Mr. MURPHY presented himself so well tonight. Mr. RYAN is in Ohio tonight, and he BlackBerryed me and said he wished he could be here with us. As you know, Mr. RYAN is an outstanding Member of Congress. He had a death in his family and had to return to his district. We appreciate and recognize his absence. I am going to e-mail him back and say, Mr. RYAN, I think one of the reasons why things are moving so smoothly, you guessed, is because you're not here; but that is another issue.

Mr. ALTMIRE, one thing that we need to talk about as relates to stem cell research, there are so many diseases that could be cured, and 72 percent of Americans are supporting this research. We have kids with juvenile diabetes. There are a number of issues that we want to try to move on. This is a leadership issue. The thing about leadership is it is lonely sometimes.

I get e-mails and calls from my constituents, I support this; or, KENDRICK, I wasn't quite with you on that decision. But the good thing is something is happening, action versus inaction.

Mr. ALTMIRE. I wanted to commend the gentleman from Connecticut again. We say a lot of things when we are transferring comments here back and forth about the different roles that we play, but it truly is the truth to say there is no one in this Congress who has done more on a public policy basis to promote this issue than the gentleman from Connecticut. He has done it at the State level. He is passionate about it. He has done it here in Congress. He has made it a staple issue of his young career, and I want to commend him. He has shown great leadership.

And in saying that, I want to recognize that we have a colleague, the gentlewoman from Colorado (Ms. DEGETTE), who certainly deserves credit second to none for her pushing this agenda. I certainly don't want to overlook her in recognizing Mr. MURPHY's equal efforts on this issue.

I have a unique perspective in my support of this issue in that I am a pro-life Member of Congress. I used the occasion of my first floor speech on the floor of this House specifically on this issue because it is that important to me.

I have a view that embryonic stem cell research and a vote to promote it is a pro-life vote. By voting to pursue embryonic stem cell research, we are voting to improve the lives of people. And most importantly with this bill, we are voting only on, and this is a very key point, lines of stem cells that would otherwise be discarded by the fertility clinic. That cannot be overlooked.

Mr. MEEK of Florida. That is a very good point.

Mr. ALTMIRE. This is not a situation where we are going to be able to pick and choose types of stem cells that can be used for other purposes. The administration talks about snowflake babies and other uses. These are only lines of stem cells where the donor has said I am done using them. They cannot be used for my other purpose, they are to be discarded, and then they agree that the stem cells could be used for research purposes. Otherwise they are discarded.

That is something that in my mind is the decisive point on this. If they are going to be discarded anyway, hundreds of thousands of lines of embryonic stem cells, why not use them for scientific research to save the lives and improve the lives of people who are alive today, real men and women who are suffering from diseases, and the people who don't know they are going to have those diseases in the future, people who are going to suffer from these diseases tomorrow.

We are talking about debilitating diseases, we are talking about long-term diseases that are reaching epidemic proportions in my district of southwestern Pennsylvania, like diabetes. Imagine if this research could show a cure or improved treatment for any of these illnesses. Why would we not use them for scientific purposes if they are otherwise going to be discarded.

I am certainly not the only pro-life Member who is going to support this tomorrow, as the gentleman said. But I do want to emphasize this is an issue whose time has come. The President has vetoed it in the 109th Congress. He has vetoed it once in this 110th Congress. We are expecting we are going to face a second veto, and I know the vote is going to be close on whether or not we are going to be able to override that veto.

But we have sent a message, and we are going to do it tomorrow, that the time for this issue has come. This is not about political games or trying to score points for a political agenda. This is about saving lives and improving the lives of people who are alive today, and I strongly support this initiative.

Mr. MEEK of Florida. You couldn't ask for a better feeling being a Member of Congress. I always share out that. Out on the steps of the Capitol at least once or twice a week we have young people from our districts, and they want to hear from Members of Congress. The difference between us and the average American out there, and there are only 500-plus Members of Congress, we read something in the paper, something that could have been avoided, we hear a story from our constituents, something that could have been avoided, and to have an opportunity to vote on a piece of legislation like we are going to vote on tomorrow, no matter how many times we have to vote on it, we are a part of the solution to many of the health problems that are facing Americans throughout this country. We are the leader in the world as it relates to research and being responsible and being respectful.

To have 200 organizations supporting the bill is very, very important. It is supported by the American Medical Association, the AARP, the Association of American Medical Colleges, Parkinson's Action Network, the American Diabetes Association, Juvenile Diabetes Research Foundation, Paralyzed Veterans of America, all of these groups. That is just to name a few. And also, 72 percent of Americans support this bill that we are looking to pass. You also have a number of corporations that are out there calling for it. Think about the money that could be saved, not only the money, but the lives. This is what it is all about.

People ask: How do you feel being a Member of Congress? I feel good because I feel we can bring to the floor and bring to this government what is needed to help Americans, and I am glad we are a part of that.

Mr. MURPHY, it is good having an authority on the floor. I was a member of the Florida State legislature, and a State legislature is an interesting organization to be a part of. I think the first line of public service is being a county commissioner or city commissioner. That is when somebody can leave their house and let you know what is on their mind. I am glad to have an opportunity to vote on this, and I look forward to releasing information to my constituents about what we have done, and hopefully put some pressure on the White House to do what so many Americans want us to do, and that is get at some of the issues that are facing our country right now.

Mr. MURPHY of Connecticut. You talked about how much public support this enjoys, and it is broad and far ranging. I think the public support mirrors the support within this body. It probably cuts across partisan lines because the diseases that stem cell research can treat do not discriminate based on whether you are Democrat or Republican, not even on whether you are pro-choice or pro-life.

So when you have family members out there who are watching a loved one grapple with diabetes, watching a father or mother die of Alzheimer's disease, and they see there is this vehicle, there is this potential out there, untapped right now, with their Federal

tax dollars, they don't understand. They don't understand why their elected representatives wouldn't stand up and at least try to make an effort to bring a cure or treatment to their loved one who is struggling or dying with these diseases.

This issue enjoys public support because these diseases don't discriminate based on political discrimination, political views or geography. I think that is why you will see so many Republicans and Democrats supporting it.

This is an issue that arises a lot of passions in people. So there is rhetoric that sometimes doesn't match the reality. One of the arguments that you are going to hear tomorrow is we don't need to invest in embryonic stem cell research, which is the controversial piece of this debate, because adult stem cell research does the trick. That argument doesn't wash when you talk to the scientific community.

Adult stem cells have vast potential, and we have found ways to utilize them to make people better and give people longer lives.

□ 2310

But the fact is that adult stem cells only work on the person that those cells are harvested from. My adult stem cells work on me. So I can take stem cells out of my bloodstream, manipulate them, put them back into my bloodstream to try to cure the disease or whatever may be affecting me.

Embryonic stem cells have almost a limitless possibility of being manipulated, to being harvested and put into a limitless number of people. Those cells don't just work on the people they're taken from. Those cells can be manipulated and have universal traits to try to cure diseases.

So we're going to have to try to talk about that tomorrow and why we need to invest in both adult stem cell research and embryonic stem cell research.

Mr. ALTMIRE. Mr. Speaker, at this time, I will do two things. First, it has come to my attention that while we were talking the Anaheim Ducks kept the Stanley Cup in the United States of America. I want to congratulate them. And I will now yield back to the gentleman from Florida to wrap up.

Mr. MEEK of Florida. Thank you so very much, Mr. ALTMIRE.

Also, we want the Members, if they want any information we talked about tonight or want to speak to us, we have the www.speaker.gov Web site.

With that, Mr. Speaker, it was an honor to address the House, the 30 Something Working Group, tonight, the two MURPHIES and also Mr. ALTMIRE and myself.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHUSTER (at the request of Mr. BOEHNER) for today on account of attending his daughter's high school graduation.

Mr. CONYERS (at the request of Mr. HOYER) for after 1:30 p.m. today on account of personal business in the district.

Mr. BACA (at the request of Mr. HOYER) for today on account of personal business.

Mr. RYAN of Ohio (at the request of Mr. HOYER) for today after 2:00 p.m. on account of attending a funeral.

Mr. REYES (at the request of Mr. HOYER) for Tuesday, June 5, 2007, on account of illness.

Mr. HASTINGS of Florida (at the request of Ms. PELOSI) for Tuesday, June 5 and for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. SESTAK, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

(The following Members (at the request of Mr. BURTON of Indiana) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, June 13.

Mr. JONES of North Carolina, for 5 minutes, June 13.

Mr. PAUL, for 5 minutes, today and June 7.

Mr. DAVIS of Kentucky, for 5 minutes, June 12.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1675. An act to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House, reports that on May 31, 2007, she presented to the President of the United States, for his approval, the following bills.

H.R. 414. To designate the facility of the United States Postal Service located at 60 Calle McKinley, West in Mayaguez, Puerto Rico, as the ''Miguel Angel Garcia Mendez Post Office Building''.

H.R. 437. To designate the facility of the United States Postal Service located at 500 West Eisenhower Street in Rio Grande City, Texas, as the ''Lino Perez, Jr. Post Office''.

H.R. 625. To designate the facility of the United States Postal Service located at 4230 Maine Avenue in Baldwin Park, California, as the ''Atanacio Haro-Marin Post Office''.

H.R. 1402. To designate the facility of the United States Postal Service located at 320 South Lecanto Highway in Lecanto, Florida, as the ''Sergeant Dennis J. Flanagan Lecanto Post Office Building''.

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.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, June 7, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2032. A letter from the Secretary, Department of Agriculture, transmitting a legislative proposal that would shift funding for the research, development, and maintenance of information technology functions of the Federal Crop Insurance Corporation (FCIC) from the Government to the insurance companies participating in the crop insurance program; to the Committee on Agriculture.

2033. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's notification to Congress of any significant modifications to the auction process for issuing United States Treasury obligations, pursuant to Public Law 103-202, section 203; to the Committee on Financial Services.

2034. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2035. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2036. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2037. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2038. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Native American Housing Assistance and Self-Determination Act (NAHASDA); Revisions to the Indian Housing Block Grant Program Formula

[Docket No. FR-4938-F-03] (RIN: 2577-AC57) received May 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

2039. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's report entitled, ''Sixth Progress Report on HUD's Strategy for Homeless Data Collection, Reporting and Analysis''; to the Committee on Financial Services.

2040. A letter from the General Deputy Assistant Secretary for Congressional and Intergovernmental Relations, Department of Housing and Urban Development, transmitting the Department's report entitled, ''Affordable Housing Needs 2005''; to the Committee on Financial Services.

2041. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting a copy of draft bills entitled, ''To extend the authority for canceling debt owed to the United States pursuant to the Heavily Indebted Poor Countries Initiative'' and ''To extend the authority for making contributions to the HIPC Trust Fund''; to the Committee on Financial Services.

2042. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's annual report on material violations or suspected material violations of regulations relating to Treasury auctions and other Treasury securities offerings during the period Janaury 1, 2006 through December 31, 2006, pursuant to Public Law 103-202, section 202; to the Committee on Financial Services.

2043. A letter from the Secretary, Department of Education, transmitting the final report of the Academic Competitiveness Council, including recommendations for legislation and administrative action, pursuant to Section 8003 of the Deficit Reduction Act of 2005; to the Committee on Education and Labor.

2044. A letter from the Interim Director, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

2045. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's ''Major'' final rule — Medicaid Program; Cost Limit for Providers Operated by Units of Government and Provisions to Ensure the Integrity of Federal-State Financial Partnership [CMS-2258-FC] (RIN: 0938-AO57) received May 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2046. A letter from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Accounting and Reporting Requirements For Nonoperating Public Utilities and Licenses [Docket No. RM07-2-000; Order No. 694) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2047. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Revision of Fee Schedules; Fee Recovery for FY 2007 (RIN: 3150-AI00) received June 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

2048. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 05-07 informing of an intent to sign the Air and Space Capability Development Memorandum of Understanding between the United States and Australia, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

2049. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulation: United States Munitions List [Public Notice:] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2050. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment of the International Traffic in Arms Regulations: Policy with respect to Vietnam [Public Notice:] received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

2051. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

2052. A letter from the Senior Vice President & Chief Financial Officer, Federal Home Loan Bank of New York, transmitting the 2006 management report of the Federal Home Loan Bank of New York, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

2053. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Waiver of Requirements For Continued Coverage During Retirement (RIN: 3206-AI62) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

2054. A letter from the Inspector General, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period October 1, 2006, through April 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(d); to the Committee on Oversight and Government Reform.

2055. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a copy of a draft bill entitled, ''to amend the Mineral Leasing Act to provide for Net Receipts Sharing and for other purposes''; to the Committee on Natural Resources.

2056. A letter from the Chairman, National Indian Gaming Commission, transmitting a copy of a draft bill entitled, ''To amend the Indian Gaming Regulatory Act of 1988 (IGRA) to revise the Act to clarify the scope of the National Indian Gaming Commission's authority and to make such other technical amendments as are required''; to the Committee on Natural Resources.

2057. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2007 Management Measures [Docket No. 070430095-7095-01; I.D. 042707D] (RIN: 0648-AV56) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2058. A letter from the Assistant Administrator, Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Commercial Shark Management Measures [Docket No. 070302052-7088-02; I.D. 021307B] (RIN: 0648-AV09) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

2059. A letter from the Under Secretary and Director, Department of Commerce, transmitting the Department's final rule — International Trademark Classification Changes [Docket No. PTO-T-2007-0004] (RIN: 0651-AC10) received May 24, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2060. A letter from the Chief, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Removal of the Standardized Request for Evidence Processing Timeframe [CIS No. 2287-03] (RIN: 1615-AB13) received April 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2061. A letter from the Chief, Regulatory Management Division, Office of the Executive Secretariat, Department of Homeland Security, transmitting the Department's ''Major'' final rule — Adjustment of the Immigration and Naturalization Benefit Application and Petition Fee Schedule [Docket No. USCIS-2006-0044; CIS No. 2393-06] (RIN: 1615-AB53) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2062. A letter from the General Counsel, Office of Justice Programs, Department of Justice, transmitting the Department's final rule — Department of Justice Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket Number: 0JP (DOJ)-1457; AG Order No. 2870-2007] (RIN: 1121-AA73) received May 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2063. A letter from the Chair, United States Sentencing Commission, transmitting the Commission's report entitled, ''Cocaine and Federal Sentencing Policy''; to the Committee on the Judiciary.

2064. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — NASA Implementation of OMB Guidance on Nonprocurement Debarment and Suspension (RIN: 2700-AD32) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science and Technology.

2065. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a proposed amendment to the National Aeronautics and Space Act of 1958; to the Committee on Science and Technology.

2066. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Business Loan Program; Lender Examination and Review Fees (RIN: Number 3245 AF49) received May 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

2067. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's ''Major'' final rule — United States — Singapore Free Trade Agreement (RIN: 1505-AB48) received June 6, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2068. A letter from the United States Trade Representative, Executive Office of the President, transmitting a report regarding concerns expressed in the United States-Korea Free Trade Agreement (KORUS FTA); to the Committee on Ways and Means.

2069. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Temporary Extension of Attorney Fee Payment System to Title XVI; 5-Year Demonstration Project Extending Fee Withholding and Payment Procedures to Eligible

Non-Attorney Representatives; Definition of Past-due Benefits; and Assessment for Fee Payment Services [Docket No. SSA 2006-0097] (RIN: 0960-AG35) received April 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2070. A letter from the United States Trade Representative, Executive Office of the President, transmitting consistent with Title I of the Trade and Development Act of 2000, the ''2007 Comprehensive Report on U.S. Trade and Investment Policy Toward Sub-Saharan Africa and Implementation of the African Growth and Opportunity Act''; to the Committee on Ways and Means.

2071. A letter from the Under Secretary, Food, Nutrition, and Consumer Services, Department of Agriculture, transmitting the Department's final rule — Data Collection Related to the Participation of Faith-Based and Community Organizations [FNS-2007-0005] (RIN: 0584-AD43) received May 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Education and Labor.

2072. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting the Department's report on the results of a study of initiatives to expand the relationship between the Department and Job Corps, as requested by the National Defense Authorization Act for Fiscal Year 2006; jointly to the Committees on Armed Services and Education and Labor.

2073. A letter from the General Counsel, Department of Defense, transmitting a copy of legislative proposals as part of the National Defense Authorization Bill for Fiscal Year 2008; jointly to the Committees on Armed Services and Foreign Affairs.

2074. A letter from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting the Department's final rule — Implementation of the Combat Methamphetamine Epidemic Act of 2005; Notice of Transfers Following Importation or Exportation [Docket No. DEA-292I] (RIN: 1117-AB06) received April 25, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 459. Resolution dismissing the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida (Rept. 110–175). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 461. Resolution dismissing the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida (Rept. 110–176). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 462. Resolution dismissing the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana (Rept. 110–177). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. House Resolution 463. Resolution dismissing the election contest relating to the office of Representative from the Fifth Congressional District of Florida (Rept. 110–178). Referred to the House Calendar.

Ms. MATSUI: Committee on Rules. House Resolution 464. Resolution providing for consideration of the bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research (Rept. 110–179). Referred to the House Calendar.

Mr. ARCURI: Committee on Rules. House Resolution 465. Resolution providing for consideration of the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes (Rept. 110–180). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. CARSON (for herself, Ms. JACKSON-LEE of Texas, Mr. PAYNE, and Ms. CORRINE BROWN of Florida):

H.R. 2576. A bill to direct the Secretary of Health and Human Services to prepare concise written materials for use by school personnel to help to identify students with a high potential to commit aggressive and harmful behavior, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. BOEHNER, Mr. CASTLE, Mr. REGULA, Mr. MARCHANT, Mr. HELLER, Mr. WALBERG, Mr. RENZI, and Mr. PAUL):

H.R. 2577. A bill to amend the Elementary and Secondary Education Act of 1965 to provide additional flexibility to State and local educational agencies to raise the academic achievement of all students; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama (for himself, Mr. ALEXANDER, Mr. RODRIGUEZ, Mr. HIGGINS, Mr. WALSH of New York, Mrs. JONES of Ohio, Ms. CORRINE BROWN of Florida, Mr. KILDEE, Mr. MICHAUD, Mr. RYAN of Ohio, Mr. BOREN, Mr. CLAY, Mr. COHEN, Mr. RAHALL, Mr. MARSHALL, Mr. BONNER, Mr. JINDAL, and Mr. BOUSTANY):

H.R. 2578. A bill to amend the Internal Revenue Code of 1986 to extend and expand the benefits for businesses operating in empowerment zones, enterprise communities, or renewal communities, and for other purposes; to the Committee on Ways and Means.

By Mr. BOOZMAN:

H.R. 2579. A bill to amend title 38, United States Code, to authorize the use of funds in the Department of Veterans Affairs readjustment benefits accounts and funds appropriated for such purpose to provide funding for State approving agencies; to the Committee on Veterans' Affairs.

By Mr. GINGREY (for himself, Mr. DREIER, Mrs. BACHMANN, Mr. AKIN, Mr. SIMPSON, Mr. SESSIONS, Mr. HASTERT, Mr. KNOLLENBERG, Mrs. DRAKE, Mr. HALL of Texas, Mr. WICKER, Mr. GARY G. MILLER of California, Mr. MCCAUL of Texas, Mr. HELLER, Mr. KLINE of Minnesota, Mr. SMITH of Texas, Mr. RADANOVICH, Ms. GINNY BROWN-WAITE of Florida, Mr. FOSSELLA, Mr. EVERETT, Mr. PRICE of Georgia, Mr. WESTMORELAND, Mr. CHABOT, Mr. CARTER, Mr. MILLER of Florida, Mr. SHAYS, Mr. PITTS, Mrs. MCMORRIS RODGERS, Mr. PORTER, Mr. DENT, Mr. SHUSTER, Mr. MACK, Mr. GERLACH, Mr. SAXTON, Mr. WILSON of South Carolina, Mrs. BIGGERT, Mr. SHIMKUS, Mr. CANNON, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mr. BUCHANAN, Mr. KIRK, Mr. ROGERS of Alabama, Mr. MATHESON, Mr. GARRETT of New Jersey, Mr. CRAMER, Mr. BOREN, Mr. STEARNS, Mr. BURGESS, Mr. MCHUGH, Mr. BOUSTANY, Ms. FALLIN, Mrs. CAPITO, Mr. HAYES, Mr. HOBSON, Mr. HENSARLING, Mr. ROSKAM, and Mr. WOLF):

H.R. 2580. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN:

H.R. 2581. A bill to amend titles XIX and XXI of the Social Security Act to permit States to expand coverage for children between 19 and 25 years of age under Medicaid and under the State child health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 2582. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for qualified long-term care services in computing adjusted gross income; to the Committee on Ways and Means.

By Mr. BURGESS (for himself and Mr. MATHESON):

H.R. 2583. A bill to amend title VII of the Public Health Service Act to establish a loan program for eligible hospitals to establish residency training programs; to the Committee on Energy and Commerce.

By Mr. BURGESS (for himself and Mr. CUELLAR):

H.R. 2584. A bill to amend the Public Health Service Act to alleviate critical shortages of physicians in the fields of family practice, internal medicine, pediatrics, emergency medicine, general surgery, and obstetrics-gynecology, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 2585. A bill to amend title XVIII of the Social Security Act to modify Medicare physician reimbursement policies to ensure a future physician workforce, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO:

H.R. 2586. A bill to amend the Investment Advisers Act of 1940 to authorize the Commission to require the registration of hedge fund advisers under that Act; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 2587. A bill to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the ''Kenneth T. Whalum, Sr. Post Office''; to the Committee on Oversight and Government Reform.

By Mrs. DRAKE:

H.R. 2588. A bill to amend the Internal Revenue Code of 1986 to modify the annual contribution limit for Coverdell education savings accounts; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 2589. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to reauthorize and amend the Best Pharmaceuticals for Children Act and the Pediatric Research Equity Act; to the Committee on Energy and Commerce.

By Mr. FORTUÑO:

H.R. 2590. A bill to provide for an additional requirements payment under the Help America Vote Act of 2002 to ensure that Puerto Rico is treated in the same manner as other States for purposes of determining the amount of the requirements payment made under such Act, and for other purposes; to the Committee on House Administration.

By Mr. FRANK of Massachusetts (for himself, Mr. DELAHUNT, Mr. GOODE, Mr. BRADY of Pennsylvania, Mr. WALSH of New York, Ms. SCHAKOWSKY, Mr. GORDON, Ms. HIRONO, Mr. NEAL of Massachusetts, Mr. GRIJALVA, Mr. CAPUANO, Mr. FARR, Mr. MCGOVERN, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. RODRIGUEZ, Mr. MURPHY of Connecticut, Mr. CUMMINGS, Mr. MARKEY, Mr. COHEN, Mr. LOEBSACK, Mrs. TAUSCHER, Mr. LINCOLN DAVIS of Tennessee, Mr. PAYNE, and Mr. GONZALEZ):

H.R. 2591. A bill to amend part B of title XVIII of the Social Security Act to limit the penalty for late enrollment under part B of the Medicare Program to 10 percent and twice the period of no enrollment, and to exclude periods of COBRA and retiree coverage from such late enrollment penalty; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GIFFORDS (for herself, Mrs. BLACKBURN, and Mr. HALL of Texas):

H.R. 2592. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for one or more Critical Path Public-Private Partnerships to implement the Critical Path Initiative of the Food and Drug Administration, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA:

H.R. 2593. A bill to secure and conserve Federal public lands and natural resources along the international land borders of the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Natural Resources, and Agriculture, 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. KNOLLENBERG:

H.R. 2594. A bill to establish a Federal public relations and education campaign to promote responsible and fuel-efficient driving in the United States; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MAHONEY of Florida (for himself and Mr. CASTLE):

H.R. 2595. A bill to amend the Securities Exchange Act of 1934 to require the disclosure of proxy votes relating to executive and director compensation by beneficial owners of more than 5 percent of a company's shares; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. SHAYS, Mr. WAXMAN, and Mr. INSLEE):

H.R. 2596. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. ALEXANDER):

H.R. 2597. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. SHAYS (for himself and Mr. PRICE of North Carolina):

H.R. 2598. A bill to amend the Federal Election Campaign Act of 1971 to clarify that an expenditure made by a political party committee may not be considered to have been made in concert or cooperation with a candidate solely because the candidate has requested that the committee not make any expenditures in support of the candidate or in opposition to an opponent of the candidate; to the Committee on House Administration.

By Mr. SIRES:

H.R. 2599. A bill to establish a program for the Secretary of Housing and Urban Development to provide financial assistance to certain homeowners experiencing temporary difficulty making home mortgage payments resulting from their call or order to active duty while a member of the Individual Ready Reserve of the Armed Forces or the inactive National Guard; to the Committee on Financial Services.

By Mr. PASCRELL (for himself, Mr. JONES of North Carolina, Mr. MICHAUD, and Mr. HUNTER):

H.R. 2600. A bill to authorize the imposition of a tax on imports from any country that employs indirect taxes and grants rebates of the same upon export and to authorize compensatory payments to eligible United States exporters to neutralize the discriminatory effect of such taxes paid by such exporters if United States trade negotiating objectives regarding border tax treatment in World Trade Organization negotiations are not met; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. DINGELL, Mr. BARTON of Texas, Mr. PITTS, Mr. RUSH, Mr. PICKERING, and Mr. BURGESS):

H.R. 2601. A bill to extend the authority of the Federal Trade Commission to collect fees to administer and enforce the provisions relating to the ''Do-not-call'' registry of the Telemarketing Sales Rule; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. EHLERS, Mr. KNOLLENBERG, Mr. LEVIN, Mr. HOEKSTRA, Ms. KILPATRICK, Mr. DINGELL, Mrs. MILLER of Michigan, and Mr. WALBERG):

H.R. 2602. A bill to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the ''Oscar G. Johnson Department of Veterans Affairs Medical Facility''; to the Committee on Veterans' Affairs.

By Mr. WEINER:

H.R. 2603. A bill to require the Secretary of Homeland Security to designate high threat helicopter flight areas and to provide special rules for screening of passengers and property to be transported on passenger helicopters operating to or from such areas and for helicopters flights in such areas, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENT (for himself, Mr. ALTMIRE, Mr. BARRETT of South Carolina, Mrs. BONO, Mr. BOUSTANY, Mr. CAMP of Michigan, Mr. CANTOR, Mr. CARNEY, Mr. CARTER, Mr. CASTLE, Mr. COBLE, Mr. COLE of Oklahoma, Mr. TOM DAVIS of Virginia, Mrs. DRAKE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Ms. FOXX, Mr. GERLACH, Mr. GILCHREST, Mr. GOHMERT, Mr. GRAVES, Mr. HASTERT, Mr. HELLER, Mr. HOLDEN, Mr. HULSHOF, Mr. KELLER, Mr. KINGSTON, Mr. KIRK, Mr. KUHL of New York, Mr. LAHOOD, Mr. LATOURETTE, Mr. DANIEL E. LUNGREN of California, Mr. MCCARTHY of California, Mr. MCCAUL of Texas, Mr. MCCOTTER, Mr. MCHENRY, Mrs. MILLER of Michigan, Mr. PATRICK MURPHY of Pennsylvania, Mr. TIM MURPHY of Pennsylvania, Mr. PETRI, Mr. PLATTS, Mr. PRICE of Georgia, Ms. PRYCE of Ohio, Mr. RAMSTAD, Mr. REGULA, Mr. ROSKAM, Mr. SAXTON, Ms. SCHWARTZ, Mr. SERRANO, Mr. SHAYS, Mr. SHUSTER, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. SULLIVAN, Mr. UPTON, and Mrs. WILSON of New Mexico):

H. Con. Res. 165. Concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week; to the Committee on Oversight and Government Reform.

By Mr. MEEKS of New York (for himself, Mr. TOWNS, Mrs. JONES of Ohio, Mr. PAYNE, Ms. CLARKE, Mr. CUMMINGS, Mr. DAVIS of Alabama, Ms. MOORE of Wisconsin, Mr. ELLISON, Mr. CLAY, Mr. LEWIS of Georgia, Mr. JOHNSON of Georgia, Ms. CARSON, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. WATT, Mr. SCOTT of Georgia, Ms. LEE, Mr. RUSH, Mr. WYNN, Ms. WATERS, Mr. SCOTT of Virginia, Mr. BUTTERFIELD, Mr. BISHOP of Georgia, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Ms. WATSON, and Mr. JEFFERSON):

By BRADY of Pennsylvania:

H. Res. 460. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker; considered and agreed to.

H. Res. 466. A resolution honoring and recognizing the achievements of Barbara Hillary, the first African-American woman on record to reach the North Pole; to the Committee on Oversight and Government Reform.

By Mr. PATRICK MURPHY of Pennsylvania (for himself, Mr. BURTON of Indiana, Mr. NADLER, Mrs. MCCARTHY of New York, Mr. HIGGINS, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. HALL of New York, Mr. WEINER, Mr. KIRK, Ms. BERKLEY, Mr. ACKERMAN, Mr. WAXMAN, Mr. HASTINGS of Florida, Mr. ENGEL, Mr. KLEIN of Florida, Mr. LEWIS of Georgia, Ms. WASSERMAN SCHULTZ, Mr. MCNULTY, Mr. BERMAN, Mr. BRADY of Pennsylvania, Mr. CROWLEY, Mr. ROTHMAN, Mr. COHEN, Mr. FRANK of Massachusetts, Mr. EMANUEL, Mr. LANTOS, Mr. SERRANO, Mr. SIRES, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. BACA):

H. Res. 467. A resolution condemning the decision by the University and College Union of the United Kingdom to support a boycott of Israeli academia; to the Committee on Foreign Affairs.

By Mr. PATRICK MURPHY of Pennsylvania:

H. Res. 468. A resolution expressing the sense of the House of Representatives that officials of local governments who are also members of the National Guard or Reserves and are deployed as part of their service in the Armed Forces should be granted reasonable accommodation to fulfill their governmental duties while so deployed; to the Committee on Oversight and Government Reform.

By Mr. STEARNS:

H. Res. 469. A resolution expressing the sense of the House of Representatives that the Iraqi National Assembly should cancel or postpone its planned two-month recess scheduled to begin in July 2007 and work toward meeting political, social, and military benchmarks; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

75. The SPEAKER presented a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 61 memorializing the Congress of the United States to take such actions as are necessary to support the goals and ideals of a National Day of Rememberance for Murder Victims; to the Committee on Oversight and Government Reform.

76. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 67 memorializing the Congress of the United States to take such actions as are necessary to expedite the repair and rebuilding of the St. Bernard Parrish levee system by all appropriate federal agencies and to close the Mississippi River Gulf Outlet; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. HALL of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 135: Mr. SHADEGG.

H.R. 156: Mr. MARSHALL.

H.R. 199: Mr. MITCHELL.

H.R. 211: Mr. PETERSON of Minnesota.

H.R. 278: Mr. PETERSON of Minnesota and Mr. ROSS.

H.R. 297: Mr. ROTHMAN and Mr. SIRES.

H.R. 322: Mr. CULBERSON.

H.R. 440: Mr. MURTHA.

H.R. 473: Mr. KINGSTON.

H.R. 549: Mr. MILLER of North Carolina.

H.R. 550: Mr. MITCHELL, Mr. NUNES, Mrs. JONES of Ohio, Mr. MILLER of North Carolina, Ms. SUTTON, and Mr. WAMP.

H.R. 583: Mr. LAHOOD, Mr. THOMPSON of Mississippi, Mr. OLVER, Mr. MEEHAN, Mr. BARROW, and Mr. PETERSON of Minnesota.

H.R. 620: Mr. RAMSTAD.

H.R. 621: Mr. ANDREWS, Mr. ABERCROMBIE, Mr. RYAN of Ohio, and Mr. PETERSON of Minnesota.

H.R. 643: Mrs. BOYDA of Kansas.

H.R. 661: Mr. KENNEDY.

H.R. 695: Mr. RODRIGUEZ and Mr. KENNEDY.

H.R. 741: Mr. DELAHUNT.

H.R. 782: Mrs. MCCARTHY of New York.

H.R. 819: Mr. JEFFERSON and Mr. Mitchell.

H.R. 840: Mr. WILSON of Ohio.

H.R. 980: Mr. HOEKSTRA, Mr. REYNOLDS, and Mr. FRANK of Massachusetts.

H.R. 997: Mr. COBLE.

H.R. 1004: Mr. WYNN and Ms. SCHAKOWSKY.

H.R. 1014: Mrs. MILLER of Michigan and Ms. GIFFORDS.

H.R. 1022: Mr. ROTHMAN and Mr. SIRES.

H.R. 1023: Mrs. BOYDA of Kansas, Ms. NORTON, Mr. RAMSTAD, Mr. BAIRD, Mr. MAHONEY OF FLORIDA, MR. SESSIONS, Mr. KNOLLENBERG, Ms. MATSUI, Mr. DOGGETT, and Mr. HAYES.

H.R. 1076: Mr. PETERSON of Minnesota.

H.R. 1092: Mr. TIERNEY.

H.R. 1093: Mr. BOUCHER, Mr. ROSS, Mr. MAHONEY of Florida, Mr. SNYDER, and Mr. BUCHANAN.

H.R. 1102: Mr. RAHALL and Mr. TERRY.

H.R. 1125: Mr. JACKSON of Illinois, Mr. PAYNE, and Mr. GRAVES.

H.R. 1167: Mr. MORAN of Virginia.

H.R. 1187: Mr. GORDON, Mr. WU, Mr. BECERRA, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Mr. INSLEE, Mr. UDALL of Colorado, Ms. WATSON, Ms. SCHAKOWSKY, Mr. HASTINGS of Florida, Ms. LEE, Mr. KIND, and Mr. STUPAK.

H.R. 1188: Ms. BALDWIN, Mr. SESSIONS, and Mr. KENNEDY.

H.R. 1190: Ms. GINNY BROWN-WAITE of Florida, Mr. GINGREY, Mr. WU, Mr. ROGERS of Alabama, and Mr. PETERSON of Minnesota.

H.R. 1192: Mr. PAYNE.

H.R. 1222: Mr. ELLISON.

H.R. 1223: Mr. ELLISON.

H.R. 1225: Mrs. CAPPS.

H.R. 1232: MR. BOUCHER, Mr. PETERSON of Minnesota, and Mr. KUHL of New York.

H.R. 1283: Mr. PETERSON of Minnesota, Mr. DUNCAN, Mr. CANNON, Mr. WHITFIELD, and Ms. BALDWIN.

H.R. 1293: Mr. COSTA, Ms. SLAUGHTER, Ms. CORRINE BROWN of Florida, Mr. PETERSON of Pennsylvania, Mr. BOUCHER, and Mr. WU.

H.R. 1304: Mr. LEWIS of Kentucky, Mr. COSTA, Mr. BOUCHER, Mr. FRANKS of Arizona, Mr. STUPAK, Mrs. CAPITO, and Mr. MARIO DIAZ-BALART of Florida.

H.R. 1330: Ms. WOOLSEY.

H.R. 1371: Mr. UPTON and Mr. BUYER.

H.R. 1395: Mr. FEENEY, Mrs. MUSGRAVE, Mr. MILLER of Florida, Mr. PENCE, Mr. AKIN, Mr. GINGREY, Mr. SHADEGG, Mr. GOODE, and Mr. CULBERSON.

H.R. 1396: Mr. WYNN and Ms. LEE.

H.R. 1399: Mr. COBLE, Mr. HASTINGS of Washington, Mr. HAYES, Mr. ROHRABACHER, Mr. WALDEN of Oregon, Mr. FORBES, Mr. BONNER, Mrs. BOYDA of Kansas, and Mr. MCCRERY.

H.R. 1415: Mr. KAGEN, Mr. HOLT, and Mr. FATTAH.

H.R. 1416: Mr. KAGEN, Mr. HOLT, and Ms. ESHOO.

H.R. 1422: Mr. MCNERNEY and Mr. MICHAUD.

H.R. 1426: Ms. GRANGER.

H.R. 1430: Mr. MOORE of Kansas and Mr. SMITH of Nebraska.

H.R. 1435: Ms. WOOLSEY.

H.R. 1440: Mr. PETERSON of Minnesota.

H.R. 1479: Mr. FRANK of Massachusetts.

H.R. 1481: Ms. NORTON.

H.R. 1512: Mr. SOUDER, Mr. HONDA, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, and Mrs. LOWEY.

H.R. 1534: Mr. ELLISON and Mrs. CAPPS.

H.R. 1537: Mr. KUCINICH, Mr. BRADY of Pennsylvania, Mr. WALSH of New York, and Mr. BISHOP of New York.

H.R. 1567: Mr. JACKSON of Illinois and Mr. REYES.

H.R. 1576: Mr. MCNERNEY, Ms. BERKLEY, Mr. LATOURETTE, and Mr. MICHAUD.

H.R. 1600: Mr. DOOLITTLE, Mr. KLEIN of Florida, and Ms. MOORE of Wisconsin.

H.R. 1655: Ms. HIRANO and Mr. ALLEN.

H.R. 1665: Mr. WESTMORELAND.

H.R. 1671: Ms. HIRANO, Mr. RUSH, Mr. HONDA, and Mr. MCGOVERN.

H.R. 1687: Mr. GILCHREST and Mr. GILLMOR.

H.R. 1717: Mr. SMITH of Texas and Mr. AL GREEN of Texas.

H.R. 1727: Mr. NEAL of Massachusetts, Mr. ENGEL, Mrs. LOWEY, Mr. TOWNS, Mr. OLVER, Mr. ALLEN, Mr. YOUNG of Florida, Mrs. MALONEY of New York, and Ms. MCCOLLUM of Minnesota.

H.R. 1733: Mr. SHADEGG.

H.R. 1738: Mr. YARMUTH.

H.R. 1761: Mr. MILLER of Florida.

H.R. 1770: Mr. BONNER.

H.R. 1776: Mr. TIM MURPHY of Pennsylvania and Ms. JACKSON-LEE of Texas.

H.R. 1787: Mr. WEXLER.

H.R. 1823: Mrs. BLACKBURN.

H.R. 1838: Mr. DAVID DAVIS of Tennessee, Mr. LATOURETTE, Mr. PASCRELL, and Mr. BACA.

H.R. 1859: Mr. MORAN of Virginia.

H.R. 1876: Mr. PAYNE and Mr. HOLT.

H.R. 1881: Mr. SESSIONS, Mr. RAHALL, Mr. TOM DAVIS of Virginia, Mr. GRIJALVA, Mr. NADLER, and Ms. CASTOR.

H.R. 1888: Mr. BUYER.

H.R. 1893: Ms. WOOLSEY.

H.R. 1895: Mr. MORAN of Virginia.

H.R. 1911: Mr. EMANUEL and Mr. ELLSWORTH.

H.R. 1924: Mr. KAGEN.

H.R. 1947: Mr. DELAHUNT.

H.R. 1948: Mr. PAYNE.

H.R. 1964: Ms. VELÁZQUEZ, Mr. MCNERNEY, and Mr. PRICE of North Carolina.

H.R. 1971: Mr. ACKERMAN, Mr. BISHOP of New York, and Mr. ALEXANDER.

H.R. 1975: Ms. BERKLEY and Mr. PAYNE.

H.R. 1979: Mr. CASTLE.

H.R. 2005: Ms. CARSON, Mr. PERLMUTTER, Mr. EMANUEL, Mr. MCDERMOTT, Mr. CROWLEY, Ms. SHEA-PORTER, Ms. SUTTON, Mr. WELCH of Vermont, Mr. BOREN, Mr. CARNEY, Mr. ARCURI, Mrs. BOYDA of Kansas, Mr. LEWIS of Georgia, Mr. DINGELL, Mr. CAPUANO, Mr. HALL of New York, Mr. HIGGINS, Mr. SIRES, and Mr. MURPHY of Connecticut.

H.R. 2017: Ms. NORTON and Mrs. BOYDA of Kansas.

H.R. 2019: Mr. FRANK of Massachusetts.

H.R. 2035: Mr. MATHESON.

H.R. 2049: Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. NADLER, Mr. ELLISON, Ms. CORRINE BROWN of Florida, Mr. GRIJALVA, Mr. CLEAVER, and Mr. YARMUTH.

H.R. 2073: Mrs. DAVIS of California, Ms. CORRINE BROWN of Florida, Mr. MCNULTY, Ms. KAPTUR, Mr. WELCH of Vermont, Mr. PRICE of North Carolina, Mr. TIM MURPHY of Pennsylvania, Ms. HIRONO, and Mr. REYES.

H.R. 2095: Mr. PASCRELL, Mr. PETERSON of Minnesota, and Mr. SMITH of New Jersey.

H.R. 2109: Mr. MCCOTTER.

H.R. 2116: Mr. NUNES.

H.R. 2125: Mr. SIRES.

H.R. 2164: Mr. PERLMUTTER.

H.R. 2165: Mr. BOSWELL, Mr. LINCOLN DAVIS of Tennessee, Mr. POMEROY, Mr. ROSS, Mr. ABERCROMBIE, Mr. HINCHEY, Mrs. BOYDA of Kansas, Mr. UDALL of New Mexico, Mr. CLYBURN, Mr. WEINER, Mr. SNYDER, Mr. SCHIFF, Mr. CROWLEY, Mrs. CAPPS, Mr. BAIRD, Mr. DELAHUNT, and Mr. LARSON of Connecticut.

H.R. 2197: Mrs. JONES of Ohio and Mr. KUCINICH.

H.R. 2205: Mr. BOUSTANY.

H.R. 2236: Mr. GRIJALVA, Mr. FILNER, and Mr. FRANK of Massachusetts.

H.R. 2266: Ms. CARSON and Mr. FILNER.

H.R. 2274: Mr. SESSIONS, Mr. ACKERMAN, Mr. ENGEL, and Mr. MORAN of Virginia.

H.R. 2286: Mr. ENGLISH of Pennsylvania.

H.R. 2290: Mrs. GILLIBRAND.

H.R. 2295: Mr. BAIRD, Mr. ORTIZ, Mr. CHABOT, Mr. DELAHUNT, Mr. YARMUTH, Mr. BUCHANAN, Ms. VELÁZQUEZ, Mr. RAHALL, Ms. BEAN, Mr. SOUDER, Mr. WEXLER, Mr. REICHERT, Ms. GINNY BROWN-WAITE of Florida, Mr. DENT, Mr. ENGLISH of Pennsylvania, Mr. PASCRELL, Ms. WATSON, Mr. ROGERS of

Kentucky, Mr. PETERSON of Minnesota, Mr. SULLIVAN, Mr. TIBERI, Ms. WOOLSEY, Mrs. BLACKBURN, Mr. ALEXANDER, and Mr. LUCAS.

H.R. 2303: Mrs. MUSGRAVE, Mr. JOHNSON of Illinois, and Mr. YOUNG of Alaska.

H.R. 2304: Ms. MATSUI.

H.R. 2305: Mr. MCHUGH, Mr. KUHL of New York, and Mr. LEWIS of Georgia.

H.R. 2329: Mr. GERLACH, Ms. SLAUGHTER, Mr. PETERSON of Minnesota, and Mr. KUHL of New York.

H.R. 2342: Ms. MATSUI and Ms. WOOLSEY.

H.R. 2353: Ms. WOOLSEY, Mr. FRANK of Massachusetts, and Ms. BALDWIN.

H.R. 2362: Mr. GALLEGLY.

H.R. 2367: Mrs. MALONEY of New York, Mr. CUMMINGS, Mr. WAXMAN, Mrs. TAUSCHER, and Mr. HASTINGS of Florida.

H.R. 2368: Mrs. MYRICK and Mr. GINGREY.

H.R. 2370: Mr. WELDON of Florida, Mr. INSLEE, Mr. HASTINGS of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BURTON of Indiana, Mr. MILLER of Florida, Mr. MICA, Mr. KING of New York, Ms. GINNY BROWN-WAITE of Florida, and Mr. PAUL.

H.R. 2384: Mr. PETERSON of Minnesota.

H.R. 2401: Mr. JEFFERSON, Mr. AL GREEN of Texas, and Mr. FILNER.

H.R. 2407: Mr. BOYD of Florida.

H.R. 2417: Mr. ROSS, Mr. HILL, and Mr. HINOJOSA.

H.R. 2432: Mr. HOEKSTRA, Mr. SULLIVAN, Mr. MCCOTTER, and Mr. FORTENBERRY.

H.R. 2449: Mrs. NAPOLITANO.

H.R. 2487: Mr. PALLONE and Mr. HINCHEY.

H.R. 2521: Mr. TERRY.

H.R. 2526: Mr. SHERMAN.

H.R. 2573: Mr. ETHERIDGE.

H.J. Res. 12: Mr. HOLDEN and Mr. EDWARDS.

H. Con. Res. 13: Mr. LOBIONDO.

H. Con. Res. 40: Mr. GRAVES.

H. Con. Res. 81: Mr. CAPUANO and Mr. FRANK of Massachusetts.

H. Con. Res. 138: Mr. RAHALL.

H. Con. Res. 142: Mr. HARE and Mrs. LOWEY.

H. Con. Res. 149: Mr. PAYNE.

H. Con. Res. 162: Mrs. MCCARTHY of New York, Mrs. BOYDA of Kansas, Ms. JACKSON-LEE of Texas, Mr. CUMMINGS, Mr. MCGOVERN, Mr. GUTIERREZ, Mr. AL GREEN of Texas, Mr. CONAWAY, Mr. SALAZAR, Mr. BOSWELL, Mr. LINCOLN DAVIS of Tennessee, Mr. SHULER, Mr. POMEROY, Mrs. GILLIBRAND, Mr. TANNER, Mr. MAHONEY of Florida, Mr. ARCURI, Mr. MELANCON, Mr. HILL, Ms. HERSETH SANDLIN, Mr. WILSON of Ohio, Mr. ELLSWORTH, Mr. CARDOZA, Mr. SPRATT, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. PERLMUTTER, and Mr. SKELTON.

H. Con. Res. 163: Mr. ENGEL, Mr. TOWNS, Mr. HONDA, and Mr. TOM DAVIS of Virginia.

H. Res. 49: Mr. RUSH.

H. Res. 68: Ms. LEE.

H. Res. 111: Mr. FERGUSON.

H. Res. 169: Mr. MARSHALL.

H. Res. 189: Ms. ROYBAL-ALLARD, Ms. NORTON, and Mr. HINOJOSA.

H. Res. 194: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 226: Mr. HINCHEY.

H. Res. 257: Mr. SMITH of New Jersey, Mr. KILDEE, Mr. HONDA, Mr. PATRICK MURPHY of Pennsylvania, Mr. BOUSTANY, and Mr. MCGOVERN.

H. Res. 282: Mr. SPACE, Mr. CHABOT, Mr. BUTTERFIELD, Mr. YARMUTH, Mr. TIBERI, Mr. LEWIS of Georgia, and Mr. LINCOLN DAVIS of Tennessee.

H. Res. 333: Ms. CLARKE.

H. Res. 353: Mr. RAHALL, Mrs. CHRISTENSEN, and Mr. LINCOLN DAVIS of Tennessee.

H. Res. 356: Mr. BROWN of South Carolina, Mr. LANGEVIN, Ms. BERKLEY, Mr. MCGOVERN, Mr. SHERMAN, and Ms. MATSUI.

H. Res. 396: Mr. BAIRD and Mr. WILSON of South Carolina.

H. Res. 416: Mr. SMITH of Texas, Mr. DENT, Mr. REICHERT, and Mr. ROGERS of Alabama.

H. Res. 431: Mr. WEXLER, Mr. GRIJALVA, Mr. MCDERMOTT, Ms. LEE, Mr. CLEAVER, Mr. CUMMINGS, and Mr. COHEN.

H. Res. 436: Mr. MORAN of Virginia, Mr. DOYLE, Ms. ROYBAL-ALLARD, Mr. RAMSTAD, Mr. SHERMAN, Mr. HONDA, Ms. SOLIS, Ms. MATSUI, Mr. WU, Mr. ETHERIDGE, Ms. BALDWIN, Mr. HINCHEY, Mr. REYES, Mr. ORTIZ, Mr. GENE GREEN of Texas, Mr. GONZALEZ, Mr. BACA, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mr. THOMPSON of Mississippi, Mr. LYNCH, Mr. WEXLER, Mr. SCHIFF, Mr. KILDEE, Mr. MCGOVERN, Mrs. DAVIS of California, and Ms. MCCOLLUM of Minnesota.

H. Res. 442: Mr. KIND and Mr. PICKERING.

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PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

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Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, whose compassion never fails, from Your vantage point of eternity, look afresh into our time. Teach us to love as You love and to touch hurting lives as You do. Remove from us besetting fears about what tomorrow holds as You remind us that our times are in Your hands.

Today, inspire our Senators to honor You. Empower them to treat one another as they themselves desire to be treated and to pray for one another. Calm their anxieties and strengthen their faith in the ultimate triumph of Your purposes. Let Your unfailing love energize them to new levels of excellence and service.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 6, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

IMMIGRATION

Mr. REID. Mr. President, in reading this morning's paper, I was reminded of the times I would read Dr. Seuss to my boys and my girl. In today's New York Times, Tom Friedman quotes Dr. Seuss as follows:

Then he shut the Things
in the box with the hook.
And the cat went away
with a sad kind of look.
''That is good,'' said the fish.
''He has gone away. Yes.
but your mother will come.
She will find this big mess!
And this mess is so big
And so deep and so tall,
we can not pick it up.
There is no way at all!''

Mr. President, some would say that is what we have in the Senate today—a big mess. But if you go back and read Dr. Seuss, the cat manages to clean up the mess. And as big of a mess as we have with immigration in the United States, we have the opportunity to clean up a big mess. If we work on a bipartisan basis in the next couple of days, we can clean up this mess. If we cannot, then we are back with the cat who didn't clean up the mess and the Senate didn't clean up its mess with immigration.

We have known for 3 months the time set for doing immigration. People worked in good faith trying to come up with legislation, and they were a week short. They said: We need more time. So they got more time. They came up with a bipartisan bill. Ten Senators, Democrats and Republicans, came up with an immigration bill. Is it a perfect bill? Of course, not. Is it a good bill? It is not bad at all. It does some things that I think are extremely important, something I have talked about for a long time based on my experience in Smith Valley, NV, with a girl who couldn't go to college. She was Hispanic. Her parents were here illegally, and this young girl couldn't go to college even though she was the best student in her class. So we have in this bill the DREAM Act. It is a dream for many young Americans.

AgJOBS. We have been talking about an AgJOBS bill for years. This bill has one in it.

Border security. We have talked about the need for border security. This bill provides border security.

Employer enforcement, employer sanctions. This legislation has good employer sanction language. Good enough? Well, we will have to see. Some want to improve it. Maybe that is the way to do things.

Pathway to legalization. For millions of people here illegally with improper papers, a path to legalization is a way to bring them out of the shadows. That is in this legislation.

This year's legislation builds on the bill passed by the Senate last year after extensive committee considerations and many floor amendments. This year, there were lengthy bipartisan negotiations involving about 10 Senators and a number of Cabinet officers, in addition to other people from the White House. The negotiators asked for additional time. We talked about that. It was agreed upon.

We started the floor debate the week before Memorial Day recess. During that week, we disposed of more than a dozen amendments and allowed an additional 14 amendments to become pending to the bill. Proponents of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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bill asked for an additional week of floor debate. I agreed. The minority leader said this time this is a 2-week bill. I agreed with him and scheduled a second week of debate, and that is where we are now.

This week, we have conducted four rollcall votes, adopted four other amendments by voice vote, and we probably would have done more but for the unfortunate death of our colleague and friend, Senator Thomas. Yesterday morning, in memory of our friend, we decided not to work here, and that was the right thing to do. This morning, we have two more votes that are scheduled already on the Cornyn and Kennedy amendments regarding eligibility for the legalization program. We have proposed a unanimous consent agreement. We did that yesterday, and I understand the managers have that fairly well worked out on the 12 pending amendments to have votes on those later today. That was not accepted last evening, but I am hopeful that agreement can be worked out soon.

So it is clear we are working in good faith to process amendments and move forward on this bill. My decision about cloture last night was simply a way to ensure that we finish this bill in a timely manner. By offering to postpone the cloture vote, as I did yesterday, until tomorrow night, I am offering an additional full day of amendments before the cloture vote and, of course, germane amendments are considered postcloture.

I had a meeting in my office just a few minutes ago with a bipartisan group of Senators. I believe there is a good-faith effort being made by a majority of Senators, Democrats and Republicans, to move this bill forward. That is what we are going to try to do.

There are some people, rightly or wrongly—and that is all in the eyes of the beholder—who feel they have not had an opportunity to deal with this legislation. If that is the case, let's see if we can come up with some amendments that will make them happy. We do a lot of business in this body by unanimous consent—in fact, most everything. The cloture vote is scheduled for tomorrow morning, an hour after we come into session. We can change that. It is my hope that we can finish the bill this week. I am very confident we can.

I personally feel an obligation to go to the funeral in Wyoming. Craig Thomas was a Republican with whom I worked very closely on a number of issues, and I had great appreciation and admiration for him. Out of respect for him and Susan, I feel that I need to go to that funeral, and I am sure many others feel the same way. So that is going to change our schedule. It is my understanding that funeral is going to be Saturday. I have notified my caucus, and I have explained to the distinguished Republican leader that we may have to work longer hours this week. But let's try to finish this bill.

There are some, and it is a small number of people, who don't want this bill finished under any circumstances. That happens on a lot of bills, and we have to try to work our way through that.

I hope people understand that I would like to get a bill passed. We have responsibilities as Senators to not only deal with immigration, which is a system, as I have tried to explain with a little vignette from Dr. Seuss, that is badly in need of fixing, but we have a lot of other problems in this country that are badly in need of fixing. So we may have to work hours the Senate hasn't seen very often. We may have to work into the night, tonight and tomorrow night and maybe even Friday and Friday night, and who knows if that will be enough time to get us over the hump.

I hope people will understand that it is not a question of how much time we spend on the bill, it is a question of whether people feel they have had the opportunity to change the provisions that are in the bill. I have gone over most of them: AgJOBS, DREAM Act, employer enforcement, legalization, border security.

I hope we can get this bill done. We can debate this bill all year and end up right back where we are. The American people did not send us here to pontificate; they sent us here to legislate. That is what I am trying to do and most are trying to do.

Recognizing that this immigration system is broken and that we need to fix it, I extend my appreciation to Senators—Democrats and Republicans—who believe this is the time for us to do something important for the country.

I have said on a number of occasions that this bill, when it comes out of this body, is not the last word. We have other ways of working on this bill. We, as Senators, are going to be fully involved in the legislation until it comes out of conference, which is after the House passes a bill which will have the imprint of the White House on it.

So I hope we can move forward in good faith and understand that everything we do in life has deadlines, even our legislation in the Senate.

Mr. KENNEDY. Will the Senator yield?

Mr. REID. I will be happy to yield.

Mr. KENNEDY. Mr. President, I thank our leader, someone who has been interested, along with many others, in the immigration issue, for the leadership he has provided in making sure the Senate was going to take up this issue. He had announced in January of this year that he was going to take a time for the Judiciary Committee to consider this legislation but that he was going to allocate 2 weeks of time, which was basically the time we took on the last bill, but it was a major period of time to consider the people's business regarding this issue. He has been accommodating in terms of working through the Senate's schedule. For all of us who are interested in getting a bill, we thank him for all he has done in terms of encouraging us to reach judgments on these various measures.

As he has mentioned, we have made very important and significant progress, and I think there is a strong mood in the Senate, as there is in the country, that this is an extremely important issue. We are increasingly close to trying to at least make a recommendation to the country about what the Senate's judgment will be on this issue.

I join with him, as others, to say we are eager to move ahead during the day today and tomorrow and to work with the leadership. I know they have full schedules. I do think we are making significant progress and it is being done in a bipartisan spirit with a desire that those who have differing views about this issue can come together and do the Nation's business. When we achieve that, hopefully by the end of this week, both the Senator from Nevada and the Senator from Kentucky will be very much appreciated for their support in helping this legislation move ahead.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

IMMIGRATION

Mr. MCCONNELL. Mr. President, as I think my good friend, the majority leader, already knows, we are ready to work with the other side to schedule votes on pending amendments. I think the two managers are working together this morning to set up a schedule of votes for this afternoon. All of that is a step in the right direction.

Many of the amendments we hope to schedule, however, for the afternoon are amendments that were offered prior to the recess. My concern with cloture being filed last night is that we do not want to deny Members who have yet to offer—and many of them have been denied the right to offer their amendments this week—and those who have been denied the right to offer their amendments should still get their opportunity prior to being shut out.

Now, I am counting progress on this bill not by calendar days—that is one way of looking at it—but by the ability of Senators to debate and to vote on their respective ideas is the way that I would consider progress on the bill. So I hope we can clear out the amendments that are currently pending and that we will also work together to schedule debate and votes on additional amendments that are going to be offered.

Let me remind everyone again, on the day my conference elected me leader I said that I thought we ought to do two big important things, at least, in this Congress. And one of the issues I mentioned was immigration. So I am among those in the Senate who would

like to see us accomplish something on a very difficult, some days seemingly intractable, issue. Nevertheless, I am in favor of trying to pass an immigration bill. But there is going to be widespread reluctance on this side of the aisle to support cloture and thereby bring the bill to a conclusion unless amendments, a significant number, are being allowed to be considered.

HONORING OUR ARMED FORCES

SERGEANT JAMES W. HARLAN

Mr. MCCONNELL. Mr. President, while I am in my leader time, I rise today to honor the heroic sacrifice of a fellow Kentuckian, a brave soldier who served multiple tours in Iraq. He was also a proud father and grandfather who sought to protect the people and the land he loved.

SGT James W. Harlan was tragically killed on May 14, 2004, when a suicide bomber detonated a car bomb next to his humvee at Camp Anaconda near Balad, Iraq. Sergeant Harlan was a native of Owensboro, KY, and a member of the 660th Transportation Company's 88th Regional Readiness Command in the U.S. Army Reserve. He was 44 years old.

For his heroic service, Sergeant Harlan was awarded the Silver Star and the Purple Heart, among many other awards and medals of distinction.

I mentioned that Sergeant Harlan was brave; let me elaborate on that. When he was 11 years old, his older sister Doris was assigned the daunting task of babysitting young Jimmy. ''Jimmy was mischievous. He was always into something,'' she recalls. Sensing a window of opportunity to display his courage, Jimmy declared that he would jump off the roof of their family's house while his parents were away. At first Doris protested, but realizing that his intentions were probably only to rankle her, she told Jimmy: ''Fine, you go ahead and do it.'' She even went so far as to set out pillows for him to land on. Sure enough, brave young Jimmy jumped off that roof, and to this day Doris is surprised that he escaped without major injury.

Jimmy's love of adventure carried over into his adulthood. He enjoyed the outdoors and would often take his kids fishing and hunting. A compassionate and loving father to his five children, Jimmy always made sure to spend quality time with his family. ''When everyone else was sitting around with their bellies full on Thanksgiving, he would be outside throwing the football,'' his brother Kenny Likens recalls.

One of his favorite things to do was to coach baseball with his brothers. When he spent time indoors, he enjoyed watching old Western movies with his kids.

His sons, James Bryan Harlan, David Shane Harlan and Jacob Alexander Roberts, and his daughters, Tara Strelskey and Amanda Prout, as well as his two stepchildren, Bobby and Brittany Gray, will miss his caring and generous spirit.

Jimmy will also be missed by two girls who might not yet realize the extraordinary sacrifice their grandfather made, but who will learn it as they grow older. He was especially proud of them. Jimmy often said of his granddaughters, Jaidyn Main and Abigail Prout, ''Aren't they just the prettiest things you have ever seen?''

Jimmy's civilian career was partly spent as a truck driver. He enjoyed the opportunity to work on the big rigs and to see different parts of the country. He would often drive with his brother Kenny Likens. Through all that driving across the country, though, the two never did find a place they liked as much as their hometown of Owensboro, KY, where Jimmy was born and raised. When Jimmy left for his final tour in Iraq, he was working for the streets department in Owensboro.

Having served for two decades in the military and Reserves, Jimmy was a seasoned soldier. His patriotism and sense of civic duty compelled him to reenlist after the terrorist attacks of September 11, 2001, and he served two tours in Iraq.

While there, Jimmy supervised truck drivers who transported supplies to the troops at Camp Anaconda. His son James Bryan Harlan offered some perspective when he remarked:

> Nobody wants to see their father die . . . but to have it be while doing something of this significance, we're proud of him.

I would like to take this opportunity to say that not only is his family proud of him, but all of America is proud of Jimmy's heroism and sacrifice.

SGT James W. Harlan drove a rig across the highways of the United States, and he traversed the desert sands of Iraq. He had an adventurous spirit, and his far travels and his exemplary service were a natural fit for that little boy who once jumped off his parents' roof.

Jimmy Harlan left an inspirational example for his children and grandchildren, his brothers, Kenny Likens and DeWayne Likens; his sister, Doris Taylor; his step-brothers, Randall Wingfield, Steve Wingfield, and the late Michael Calloway; his fiancee, Carol Gray; his mother, Doris Marie Gray; and his late father, William Arthur Harlan.

I ask the Senate to keep the family of SGT James W. Harlan in their thoughts and prayers. I know they will be in mine.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1348, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

Pending:

> Reid (for Kennedy/Specter) amendment No. 1150, in the nature of a substitute.
>
> Cornyn modified amendment No. 1184 (to amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.
>
> Dodd/Menendez amendment No. 1199 (to amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals.
>
> Menendez amendment No. 1194 (to amendment No. 1150), to modify the deadline for the family backlog reduction.
>
> Sessions amendment No. 1234 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.
>
> Sessions amendment No. 1235 (to amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this act, by preventing the earned-income tax credit, which is, according to the Congressional Research Service, the largest antipoverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this act until they adjust to legal permanent resident status.
>
> Lieberman amendment No. 1191 (to amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention.
>
> Cornyn amendment No. 1250 (to amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information.
>
> Salazar (for Clinton) modified amendment No. 1183 (to amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives.
>
> Salazar (for Obama/Menendez) amendment No. 1202 (to amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated.
>
> DeMint amendment No. 1197 (to amendment No. 1150), to require health care coverage for holders of Z nonimmigrant visas.
>
> Bingaman/Obama modified amendment No. 1267 (to amendment No. 1150), to remove the requirement that Y–1 nonimmigrant visa holders leave the United States before they are able to renew their visa.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate with respect to amendment No. 1184, as modified, offered by the Senator from Texas, Mr. CORNYN; an amendment offered by the Senator from Massachusetts, Mr. KENNEDY, related to the same subject, with time equally divided and controlled between Senator CORNYN and Senator KENNEDY.

Who yields time?

Mr. ALLARD. Mr. President, I am requesting just 30 seconds to make a unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The Senator is recognized.

Mr. ALLARD. Mr. President, I ask unanimous consent that the pending amendment be set aside and that we call up three amendments, Nos. 1187, 1188, and 1201, and then we be returned back to the pending amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Objection.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLARD. I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, just for the benefit of the Members, we have tried to establish a way of moving along today. We are going to consider the Cornyn amendment, and then there is an amendment that I will place at the desk. We will have a 2-hour time allocation equally divided, though I am not sure we will take all the time, and then we will have an opportunity to vote on that measure.

We are trying to set up a series of votes through the morning, through the afternoon, and through the evening. What we are going to try to do is to give Members as much time as possible on these items, rotating back and forth through the course of the day, and we will work with our colleagues to try to accommodate their schedules. We have a rigorous program, and we will announce that.

We have talked with the floor managers, Senator SPECTER, Senator KYL, and others, on these measures, and we will proceed in that way. So Members need to understand that we will have a busy and full day, and we will start off with the amendment of the Senator from Texas, No. 1184, as I understand.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

AMENDMENT NO. 1184

Mr. CORNYN. Mr. President, I yield myself up to 10 minutes.

Mr. President, this amendment we will vote on this morning is an important amendment. It was first filed 2 full weeks ago, and it has taken this long to be able to get a vote on this amendment, for which I am grateful, but I must say that, as the Republican leader indicated this morning, the rate of progress with getting amendments debated and voted on is not promising. And the fact that the majority leader has now filed cloture, potentially cutting off the opportunity for full and fair debate and an adequate number of votes on this bill, again, is not encouraging at all.

I am one of those who would like to see a solution to this problem, but I think it is important that we reflect on what kind of solution we will accomplish if we are successful. To me, the goal is simply to restore law and order to our immigration system. It is important to our national security because we have to know who is coming into our country and why people are here in a post-9/11 world. It is important to public safety because we know the same broken borders that can allow people who are economic migrants to come across can also allow common criminals, drug traffickers, and even terrorists. And it is important to our prosperity in this Nation that we reestablish our heritage as a nation that believes in the rule of law. We simply cannot have people choosing to obey some laws and disobeying others. That is not adherence to the rule of law. That is picking and choosing, cherry-picking what laws you find convenient and what laws you find inconvenient.

To my mind, and based upon my experience with my constituents across the State of Texas last week, this is the cause for so much distrust of the Federal Government when it comes to this issue. The basic objection to this underlying bill is not that people don't believe there is a serious problem, it is not that people are racist or anti-immigrant or nativists or know-nothings or any of the other names that sometimes people are called. It is that the American people believe we have been here before.

In 1986, they gave their trust to the Federal Government to actually fix this problem by granting a one-time amnesty and then providing for an enforcement system that would actually be enforced against employers who hire people who cannot legally work here. They were sold a bill of goods. It didn't work. We got an amnesty, and we got no enforcement. That is why people are so distrustful.

So if we are serious about restoring the rule of law, I believe the first place to start would be by passing this amendment, amendment No. 1184, on the floor of the Senate.

What does this amendment do?

Well, first of all, this amendment would mandate that gang members cannot obtain legal status. It is well documented that members of MS–13 and other gangs, ultra-violet gangs emanating from Central America, have come across our broken borders and committed terrible crimes of violence in the United States. In the underlying bill, the Secretary of Homeland Security could actually grant a waiver that would allow a gang member legal status.

That just cannot be. Congress should draw a line about whom we are willing to allow in and whom we are not, and we shouldn't delegate this to the Secretary of the Department of Homeland Security or the Attorney General or anyone who might hold those positions in the future.

The next thing my amendment would do is it would address the definition of ''good moral character.'' We would allow only people with good moral character, as defined in the bill, to obtain legal status. The underlying bill does not contain a prohibition on those who are affiliated with terrorist organizations. My amendment makes the commonsense change that would bar them. The amendment also requires that those who apply for legalization under the bill must generally show they have good moral character.

Third, my amendment makes the failure of sex offenders to register in high-speed flight crimes grounds of ineligibility for Z visas.

Fourth, my amendment makes repeat DWIs, driving while intoxicated or driving under the influence, an aggravated felony. It is a simple fact of life that repeat DWI offenders are a substantial threat to a community's safety.

They have a proven history of involvement in various serious collisions that kill, maim, and otherwise seriously injure innocent people.

When I was in Texas this last week, I met with representatives of Mothers Against Drunk Driving and told them about the gaps in this underlying bill and received the assurance, at least of that representative, that this was an issue she cared passionately about. I suggest all of us who care passionately about public safety and decreasing the incidence of drunk driving and driving under the influence, that are a threat to public safety, that those who care about decreasing that threat should vote for this amendment. Designating a third DUI offense as an aggravated felony recognizes the acute danger that repeat DUI offenders present to the American people and the strong need to remove from the United States those who repeatedly commit DUI offenses.

The fifth category is the one on which I believe there is the biggest disagreement. This has to do with so-called absconders and identity thieves. This gets to the essence of this bill and whether we are serious about restoring the rule of law to our immigration system and whether we are going to send a message, loudly and clearly, that while we might be willing to consider those who have entered our country without a visa, who are by definition guilty of a misdemeanor, or those who have come in legally and who have overstayed, who are guilty of a status violation under our immigration laws—while we might be willing to consider them for a path to legalization and citizenship under some conditions, we should not allow a path to legalization and citizenship for those who have openly defied our courts, the lawful orders of our courts, and who have shown themselves as having no regard for the rule of law.

What kind of citizens can we expect these individuals to be, individuals who have been ordered deported, who have had their day in court and who simply defied that court order by going on the lam and melting into the American landscape, or those who have been ordered deported and who have actually

been deported but then who have reentered the country? Both of those, going on the lam after you have been ordered deported and reentering after you have been actually deported, are felonies under section 243 of the Immigration and Naturalization Act—a felony.

If we are serious about restoring respect for the rule of law, then we should, at the very least, prohibit felons and repeat offenders from getting the Z visa or path to legal status, including the opportunity to apply for legal permanent residency and citizenship. We should be willing to draw a bright line there.

I have to say, with all due respect, if we do not adopt this amendment, then we might as well retitle that section of this bill, ''No Felon Left Behind.'' It is clear, whether it is gang members, terrorists, sex offenders or repeat drunk drivers, these people have thumbed their noses at the law. While there is some common ground, and I congratulate Senator KENNEDY for moving our way on this issue, it completely omits the category of felons who have shown no regard for our laws and who have shown themselves unwilling to live in peace with Americans in this country. We ought to draw a bright line there. My amendment would do that.

Mr. President, I yield myself 2 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized.

Mr. CORNYN. I know we have a number of colleagues who not only are Members of the Senate but are also running for the highest office in our land, running for the office of President of the United States. I know there have been a number of debates on the Democratic side and Republican side. I believe this amendment and the vote on this amendment is a defining issue for those who seek the highest office in the land, for them to demonstrate their respect for the rule of law and to demonstrate their desire to return law and order to our immigration system. A ''no'' vote on the Cornyn amendment will demonstrate that we are not serious, that we do not believe the rule of law deserves respect because, unfortunately, under the Kennedy amendment, the alternative is literally a figleaf that has been offered to give people the sense they voted for something so they will have an explanation, even knowing they have not voted to exclude these felons. A failure to vote yes on the Cornyn amendment will indicate we are not serious about restoring the rule of law through our immigration system and will indicate we are willing to allow felons and people who have no desire, based on their experience, to comply with our laws and live in peace in this country, to become part of America. I think we need to send a loud and clear message as to where that line should be drawn.

I reserve the remainder of our time on this side and yield the floor.

Mr. DURBIN. Will the Senator yield for a question?

Mr. CORNYN. I will, Mr. President.

Mr. DURBIN. I would like to ask the Senator about a hypothetical that is not a hypothetical. It is a real case that has come through my office in Chicago. I ask the Senator from Texas if he would consider the facts in this case and tell me how his amendment would apply to the case.

In a family in Chicago, the father is a citizen of the United States and the four children that he and his wife have are all citizens of the United States. The mother is undocumented. The mother came into the United States illegally. She was married, raised a family—and her grandmother died in Mexico. She went back over the border and, when she tried to reenter the United States, produced identification that was false. They caught her. They deported her back to Mexico, but she made it back to the United States. She is now with her family in Chicago.

It is a case that has had a lot of publicity because she was deported 2 days before Mother's Day. She has been allowed to return to the United States on a humanitarian waiver to be with her family.

I would like to ask the Senator from Texas, how would you treat her under your amendment? What would her status be? Would she be characterized as an aggravated felon? Could she, under any circumstances, be given any opportunity to become legal under your amendment?

Mr. CORNYN. Mr. President, I will be glad to try to answer the question. Similar to a lot of hypotheticals, it has a lot of twists and turns. Let me give it a try.

Under this amendment, people who entered the country illegally and who are guilty of illegal entry, or who come in legally and overstay, would not be rendered ineligible, not under the Cornyn amendment. Those who are repeat offenders—in other words, people who have entered illegally, then exited the country and reentered; exited, reentered—are guilty of a more serious offense because they are multiple offenders.

I am not sure, under the hypothetical the Senator asked, whether this individual would be barred. But people who are serial offenders and violators of our immigration laws would be barred under this amendment.

Mr. DURBIN. So if I might ask the Senator from Texas: The Senator from Texas would suggest, then, that this mother of four citizens, married to a citizen of the United States, who has lived here for more than 10 years, should be deported?

Mr. CORNYN. What my amendment would do would not order her deported. What it would do is say she is ineligible for a Z visa.

Mr. DURBIN. I ask the Senator from Texas—let's get down to the reality of the situation. As far as this family is concerned, where the mother has gone through the experience I described, you would say that family has to either break up or leave?

Mr. CORNYN. Mr. President, I disagree with the characterization of the Senator from Illinois. As this hypothetical individual is married to a U.S. citizen, she could get a waiver on that ground because she is married to a U.S. citizen. She would not, under existing law—she could get a waiver and would not be deported necessarily.

Mr. DURBIN. If I might ask one last question, is that a provision in your amendment? Or is that in the underlying bill?

Mr. CORNYN. In response to the question, that is a provision of current law that my amendment does not touch.

Mr. DURBIN. I thank the Senator from Texas.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Illinois for raising that issue. I think our language makes it extremely clear. I think there is a real question. We are looking through the language of the Senator from Texas about whether that would necessarily define that individual as an aggravated felon and therefore would deny the judge the opportunity to make a humanitarian finding on it, but we can come back to that.

AMENDMENT NO. 1333, AS MODIFIED

Mr. President, I call up my amendment No. 1333, as modified.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 1333, as modified, to amendment No. 1150.

Mr. KENNEDY. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 48, strike line 11 and all that follows through page 51, line 37, and insert the following:

SEC. 204. INADMISSIBILITY AND DEPORTABILITY OF GANG MEMBERS.

(a) DEFINITION OF CRIMINAL GANG.—Section 101(a) (8 U.S.C. 1101(a)) is amended by inserting after paragraph (51) the following:

''(52)(A) The term 'criminal gang' means an ongoing group, club, organization, or association of 5 or more persons—

''(i) that has, as 1 of its primary purposes, the commission of 1 or more of the criminal offenses described in subparagraph (B); and

''(ii) the members of which engage, or have engaged within the past 5 years, in a continuing series of offenses described in subparagraph (B).

''(B) Offenses described in this subparagraph, whether in violation of Federal or State law or in violation of the law of a foreign country, regardless of whether charged, and regardless of whether the conduct occurred before, on, or after the date of the enactment of this paragraph, are—

''(i) a felony drug offense (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

''(ii) a felony offense involving firearms or explosives, including a violation of section

924(c), 924(h), or 931 of title 18 (relating to purchase, ownership, or possession of body armor by violent felons);

''(iii) an offense under section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to the importation of an alien for immoral purpose);

''(iv) a felony crime of violence as defined in section 16 of title 18, United States Code, which is punishable by a sentence of imprisonment of 5 years or more, including first degree murder, arson, possession, brandishment, or discharge of firearm in connection with crime of violence or drug trafficking offense, use of a short-barreled or semi-automatic weapons, use of a machine gun, murder of individuals involved in aiding a Federal investigation, kidnapping, bank robbery if death results or a hostage is kidnapped, sexual exploitation and other abuse of children, selling or buying of children, activities relating to material involving the sexual exploitation of a minor, activities relating to material constituting or containing child pornography, or illegal transportation of a minor;

''(v) a crime involving obstruction of justice; tampering with or retaliating against a witness, victim, or informant; or burglary;

''(vi) any conduct punishable under sections 1028 and 1029 of title 18, United States Code (relating to fraud and related activity in connection with identification documents or access devices), sections 1581 through 1594 of such title (relating to peonage, slavery and trafficking in persons), section 1952 of such title (relating to interstate and foreign travel or transportation in aid of racketeering enterprises), section 1956 of such title (relating to the laundering of monetary instruments), section 1957 of such title (relating to engaging in monetary transactions in property derived from specified unlawful activity), or sections 2312 through 2315 of such title (relating to interstate transportation of stolen motor vehicles or stolen property); and

''(vii) a conspiracy to commit an offense described in clause (i) through (vi).''.

(b) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended—

(1) by redesignating subparagraph (F) as subparagraph (L); and

(2) by inserting after subparagraph (E) the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who a consular officer, the Attorney General, or the Secretary of Homeland Security knows or has reason to believe participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang, is inadmissible.''.

(c) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) ALIENS ASSOCIATED WITH CRIMINAL GANGS.—Any alien, in or admitted to the United States, who at any time has participated in a criminal gang, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang is deportable. The Secretary of Homeland Security or the Attorney General may waive the application of this subparagraph.''.

(d) TEMPORARY PROTECTED STATUS.—Section 244 (8 U.S.C. 1254a) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (c)(2)(B)—

(A) in clause (i), by striking '', or'' and inserting a semicolon;

(B) in clause (ii), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) the alien participates in, or at any time after admission has participated in, knowing or having reason to know that such participation promoted, furthered, aided, or supported the illegal activity of the gang the activities of a criminal gang.''; and

(3) in subsection (d)—

(A) in paragraph (2)—

(i) by striking ''Subject to paragraph (3), such'' and inserting ''Such''; and

(ii) by striking ''(under paragraph (3))'';

(B) by striking paragraph (3); and

(C) by redesignating paragraph (4) as paragraph (3); and

(D) in paragraph (3), as redesignated, by adding at the end the following: ''The Secretary of Homeland Security may detain an alien provided temporary protected status under this section whenever appropriate under any other provision.''.

(e) INCREASED PENALTIES BARRING THE ADMISSION OF CONVICTED SEX OFFENDERS FAILING TO REGISTER AND REQUIRING DEPORTATION OF SEX OFFENDERS FAILING TO REGISTER.—

(1) INADMISSIBILITY.—Section 212(a)(2)(A)(i) (8 U.S.C. 1182(a)(2)(A)(i)), as amended by section 209(a)(3), is further amended—

(A) in subclause (II), by striking ''or'' at the end;

(B) in subclause (III), by striking the comma at the end and inserting a semicolon; and

(C) by inserting after subclause (III) the following:

''(IV) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender); or''.

(2) DEPORTABILITY.—Section 237(a)(2)(A)(i) (8 U.S.C. 1227(a)(2)(A)(i)) is amended—

(A) in subclause (I), by striking '', and'' and inserting a semicolon;

(B) in subclause (II), by striking the comma at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(III) a violation of section 2250 of title 18, United States Code (relating to failure to register as a sex offender).''.

(f) PRECLUDING ADMISSIBILITY OF ALIENS CONVICTED OF SERIOUS CRIMINAL OFFENSES AND DOMESTIC VIOLENCE, STALKING, CHILD ABUSE AND VIOLATION OF PROTECTION ORDERS.—

(1) INADMISSIBILITY ON CRIMINAL AND RELATED GROUNDS; WAIVERS.—Section 212 (8 U.S.C. 1182) is amended—

(A) in subsection (a)(2), by adding at the end the following:

''(J) CRIMES OF DOMESTIC VIOLENCE, STALKING, OR VIOLATION OF PROTECTIVE ORDERS; CRIMES AGAINST CHILDREN.—

''(i) DOMESTIC VIOLENCE, STALKING, AND CHILD ABUSE.—Any alien who has been convicted of a crime of domestic violence, a crime of stalking, or a crime of child abuse, child neglect, or child abandonment, provided the alien served at least 1 year's imprisonment for the crime or provided the alien was convicted of or admitted to acts constituting more than 1 such crime, not arising out of a single scheme of criminal misconduct, is inadmissible. In this clause, the term 'crime of domestic violence' means any crime of violence (as defined in section 16 of title 18, United States Code) against a person committed by a current or former spouse of the person, by an individual with whom the person shares a child in common, by an individual who is cohabiting with or has cohabited with the person as a spouse, by an individual similarly situated to a spouse of the person under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other individual against a person who is protected from that individual's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local or foreign government.

''(ii) VIOLATORS OF PROTECTION ORDERS.—Any alien who at any time is enjoined under a protection order issued by a court and whom the court determines has engaged in conduct that constitutes criminal contempt of the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued, is inadmissible. In this clause, the term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as an independent order in another proceeding.

''(iii) APPLICABILITY.—This subparagraph shall not apply to an alien who has been battered or subjected to extreme cruelty and who is not and was not the primary perpetrator of violence in the relationship, upon a determination by the Attorney General or the Secretary of Homeland Security that—

''(I) the alien was acting in self-defense;

''(II) the alien was found to have violated a protection order intended to protect the alien; or

''(III) the alien committed, was arrested for, was convicted of, or pled guilty to committing a crime that did not result in serious bodily injury.''; and

(B) in subsection (h)—

(i) by striking ''The Attorney General may, in his discretion, waive the application of subparagraphs (A)(i)(I), (B), (D), and (E) of subsection (a)(2)'' and inserting ''The Attorney General or the Secretary of Homeland Security may waive the application of subparagraphs (A)(i)(I), (B), (D), (E), (F), (J), and (K) of subsection (a)(2)''; and

(ii) by inserting ''or Secretary of Homeland Security'' after ''the Attorney General'' each place it appears.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any acts that occurred on or after the date of the enactment of this Act.

SEC. 205. INCREASED CRIMINAL PENALTIES RELATED TO DRUNK DRIVING, ILLEGAL ENTRY, PERJURY, AND FIREARMS OFFENSES.

(a) DRUNK DRIVING.—

(1) INADMISSIBILITY.—Section 212(a)(2) (8 U.S.C. 1182(a)(2)) is amended by inserting after subparagraph (J), as added by section 204(f) the following:

''(K) DRUNK DRIVERS.—Any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is inadmissible.''.

(2) DEPORTABILITY.—Section 237(a)(2) (8 U.S.C. 1227(a)(2)) is amended by adding at the end the following:

''(F) DRUNK DRIVERS.—Unless the Secretary of Homeland Security or the Attorney General waives the application of this subparagraph, any alien who has been convicted of 1 felony for driving under the influence under Federal or State law, for which the alien was sentenced to more than 1 year imprisonment, is deportable.''.

(3) CONFORMING AMENDMENT.—Section 212(h) (8 U.S.C. 1182(h)) is amended—

(A) in the subsection heading, by striking ''SUBSECTION (A)(2)(A)(I)(I), (II), (B), (D), AND (E)'' and inserting ''CERTAIN PROVISIONS IN SUBSECTION (A)(2)''; and

(B) in the matter preceding paragraph (1), by striking ''and (E)'' and inserting ''(E), and (F)''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act and shall apply to convictions entered on or after such date.

(b) ILLEGAL ENTRY.—

(1) IN GENERAL.—Section 275 (8 U.S.C. 1325) is amended to read as follows:

''SEC. 275. ILLEGAL ENTRY.

''(a) IN GENERAL.—

''(1) CRIMINAL OFFENSES.—An alien shall be subject to the penalties set forth in paragraph (2) if the alien—

''(A) knowingly enters or crosses the border into the United States at any time or place other than as designated by the Secretary of Homeland Security;

''(B) knowingly eludes examination or inspection by an immigration officer (including failing to stop at the command of such officer), or a customs or agriculture inspection at a port of entry; or

''(C) knowingly enters or crosses the border to the United States by means of a knowingly false or misleading representation or the knowing concealment of a material fact (including such representation or concealment in the context of arrival, reporting, entry, or clearance requirements of the customs laws, immigration laws, agriculture laws, or shipping laws).

''(2) CRIMINAL PENALTIES.—Any alien who violates any provision under paragraph (1)—

''(A) shall, for the first violation, be fined under title 18, United States Code, imprisoned not more than 6 months, or both;

''(B) shall, for a second or subsequent violation, or following an order of voluntary departure, be fined under such title, imprisoned not more than 2 years, or both;

''(C) if the violation occurred after the alien had been convicted of 3 or more misdemeanors or for a felony, shall be fined under such title, imprisoned not more than 10 years, or both;

''(D) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 30 months, shall be fined under such title, imprisoned not more than 15 years, or both; and

''(E) if the violation occurred after the alien had been convicted of a felony for which the alien received a term of imprisonment of not less than 60 months, such alien shall be fined under such title, imprisoned not more than 20 years, or both.

''(3) PRIOR CONVICTIONS.—The prior convictions described in subparagraphs (C) through (E) of paragraph (2) are elements of the offenses described in that paragraph and the penalties in such subparagraphs shall apply only in cases in which the conviction or convictions that form the basis for the additional penalty are—

''(A) alleged in the indictment or information; and

''(B) proven beyond a reasonable doubt at trial or admitted by the defendant.

''(4) DURATION OF OFFENSE.—An offense under this subsection continues until the alien is discovered within the United States by an immigration officer.

''(5) ATTEMPT.—Whoever attempts to commit any offense under this section shall be punished in the same manner as for a completion of such offense.

''(b) IMPROPER TIME OR PLACE; CIVIL PENALTIES.—Any alien who is apprehended while entering, attempting to enter, or knowingly crossing or attempting to cross, the border to the United States at a time or place other than as designated by immigration officers shall be subject to a civil penalty, in addition to any criminal or other civil penalties that may be imposed under any other provision of law, in an amount equal to—

''(1) not less than $50 and not more than $250 for each such entry, crossing, attempted entry, or attempted crossing; or

''(2) twice the amount specified in paragraph (1) if the alien had previously been subject to a civil penalty under this subsection.''.

(2) CLERICAL AMENDMENT.—The table of contents is amended by striking the item relating to section 275 and inserting the following:

''Sec. 275. Illegal entry.''.

(3) EFFECTIVE DATE.—Section 275(a)(4) of the Immigration and Nationality Act, as added by this Act, shall apply only to violations of section 275(a)(1) committed on or after the date of the enactment of this Act.

(c) PERJURY AND FALSE STATEMENTS.—Any person who willfully submits any materially false, fictitious, or fraudulent statement or representation (including any document, attestation, or sworn affidavit for that person or any person) relating to an application for any benefit under the immigration laws (including for Z non-immigrant status) will be subject to prosecution for perjury under section 1621 of title 18, United States Code, or for making such a statement or representation under section 1001 of that title.

(d) INCREASED PENALTIES RELATING TO FIREARMS OFFENSES.—

(1) PENALTIES RELATED TO REMOVAL.—Section 243 (8 U.S.C. 1253) is amended—

(A) in subsection (a)(1)—

(i) in the matter preceding subparagraph (A), by inserting ''212(a)'' or after ''section''; and

(ii) in the matter following subparagraph (D)—

(I) by striking ''or imprisoned not more than four years'' and inserting ''and imprisoned for not more than 5 years''; and

(II) by striking '', or both'';

(B) in subsection (b), by striking ''not more than $1000 or imprisoned for not more than one year, or both'' and inserting ''under title 18, United States Code, and imprisoned for not more than 5 years (or for not more than 10 years if the alien is a member of any of the classes described in paragraphs (1)(E), (2), (3), and (4) of section 237(a)).''; and

(2) PROHIBITING CARRYING OR USING A FIREARM DURING AND IN RELATION TO AN ALIEN SMUGGLING CRIME.—Section 924(c) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''any crime of violence'';

(ii) in subparagraph (A), by inserting '', alien smuggling crime,'' after ''such crime of violence''; and

(iii) in subparagraph (D)(ii), by inserting '', alien smuggling crime,'' after ''crime of violence''; and

(B) by adding at the end the following:

''(6) For purposes of this subsection, the term 'alien smuggling crime' means any felony punishable under section 274(a), 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324(a), 1327, and 1328).''.

(3) INADMISSIBILITY FOR FIREARMS OFFENSES.—Section 212(a)(2)(A) (8 U.S.C. 1182(a)(2)(A)), as amended by sections 204(e) and 209(a)(3), is amended—

(A) in clause (i), by inserting after subclause (IV) the following:

''(V) a crime involving the purchasing, selling, offering for sale, exchanging, using, owning, possessing, or carrying, or of attempting or conspiring to purchase, sell, offer for sale, exchange, use, own, possess, or carry, any weapon, part, or accessory which is a firearm or destructive device (as defined in section 921(a) of title 18, United States Code), provided the alien was sentenced to at least 1 year for the offense,''; and

(B) in clause (ii), by striking ''Clause (i)(I)'' and inserting ''Subclauses (I), (IV), and (V) of clause (i)''.

Mr. KENNEDY. Mr. President, I will make a comment. I see my friend from Rhode Island. I would like to make a brief comment on the amendment of Senator CORNYN and a brief comment on our amendment. Then I hope the Senator from Rhode Island will speak to it.

It is always interesting to listen, when we are talking about the immigration bill, to those who go back to the 1986 bill. I remember it very clearly. I voted against it. That was an amnesty. That was a real amnesty. We hear a great deal in the public about what is amnesty, what is not amnesty. That was amnesty. This legislation is not amnesty. That effectively said those people who were undocumented, who came here, were forgiven. They followed the basic recommendations of a report by the distinguished president of Notre Dame, the Hessberg Report. I remember it clearly.

There were enforcement provisions in there. They were completely inadequate. I might remind my friend from Texas, from 1986 to 1992, we had a Republican administration, a Republican President, and they didn't enforce it, as they have not enforced the recent legislation. They have had three investigations in terms of investigating undocumented aliens—three. They are the great defenders of the American border? Great defenders about immigration reform?

Please.

We always have to go through the little dance about the 1986 bill and the enforcement. I wish, during that period of time—1986, 1987, 1988, 1989—I wish all during those years we had the enforcement. But we did not. So we are where we are today. The real question is, is this legislation that we have now the downpayment on national security, on security internally? Does it provide the opportunity for those who are here to pay the fine, go to the back of the line, demonstrate a good working relationship and be able to emerge out of the shadows—the AgJOBS bill, the DREAM Act, and other provisions of the temporary worker program?

With regards to the Cornyn amendment, we have an immigration program in this legislation that is strong, practical, and fair. One of the essential elements is to bring the 12 million men, women, and children—hard-working families—out of the shadows into the sunlight of America. We know we are not going to conduct massive roundups and deport 12 million people. We don't have the means to do it. It would disrupt our economy, inflict untold hardships on millions of hard-working people. It is estimated it would cost more than $250 billion. We would have buses all the way from Los Angeles to New York and back to trying to do this, if it were even possible.

But the Cornyn amendment would make vast numbers of these families ineligible for our program. We are trying to deal with a key element of the program and that deals with the families who are here. It would keep them in the shadows, where employers abuse and underpay them. That hurts the immigrants, but it hurts American workers, too, by depressing wages.

That is what we see that is out there now, with undocumented—the 12 million with a work record which is even better, in terms of percentages, than native born Americans, people who are willing to work and want to work hard. But there is exploitation of those individuals because every one of them knows all the boss has to do is go down and call the immigration service.

Work 80 hours a week.

Well, I don't want to.

Well, I'm going to call the immigration service and you're deported.

They do that. That individuals are exploited in this country is well understood. We are trying to free ourselves from that kind of a condition. But the Cornyn amendment would still make vast numbers of these families ineligible for our programs, keep them in the shadows where employers abuse and underpay them, which hurts the immigrants but it hurts American workers, too, by depressing their wages.

The Cornyn amendment does this by classifying an array of common garden variety immigration offenses as crimes that would make them ineligible for the program. For example, the Cornyn amendment says that if you come here, have been ordered out of the country by immigration authorities, but if you fail to leave or you come back, you are ineligible. That is exactly what has been going on with our broken immigration system; people have come to work, employers want them to come, and they have benefitted our economy.

Immigration officers may find them and order them home, but our employers beg them to come back. Our broken borders make that possible.

Cornyn says: If you have used false identification, you may be found inadmissible and may be deported. But in our broken system, the people who have wanted to work have been forced to use the false identification. That is the reality of where we are today. Cornyn says he wants to be tough on gang members, sex offenders, individuals convicted of domestic violence. So do we. We have addressed any provisions not covered by the current law. Our amendment goes even further than the bipartisan compromise bill.

He wants to exclude gang members. Our amendment does that too. Nobody who has engaged in illegal activity as part of a criminal gang will be allowed to enter or stay in this country. He says we should bar sex offenders from coming here. Our amendment does that. Any convicted sex offender who fails to register will not be allowed back in the country; if already here, then those offenders will face deportation.

Cornyn says immigrants who commit acts of domestic violence or endanger their families should be punished. Our amendment does that. He says drunk drivers should be deported. Our amendment does that. Any immigrant with one felony conviction for drunk driving will not be allowed to enter this country. If convicted here, then the drunk driver will be deported.

He says there should be consequences for individuals engaging in fraud. Our amendment does that. Our amendment punishes anyone who commits perjury or makes false statements when seeking immigration benefits. If any person lies on their application, then this individual will be prosecuted and subject to criminal penalties.

He says we should go after immigrants convicted of firearms offenses. Our amendment does that, too. Who are the people we want to apply under our program? Who are the people the Cornyn amendment would condemn to the shadows of abuse? We know that the vast majority of the families who have come over here are hard-working people who care for their children, go to church, and contribute to their communities.

In America, we respect hard work. Hard work built America. So our program says: If your only offense is that you came here to work, you came here to provide for your family, we will proceed in a way that you can atone for that offense and earn the right to stay and work legally. If you are a criminal, then we will arrest you. If you are a threat to our national security, a terrorist, then we will lock you up. If you try to cheat your way into the program through fraud, we will deport you. But if you came here to work and build a life, then you can stay. But first you have to meet the tough requirements: You have to pay the $5,000 fine, show a steady work history, learn English, get to the back of the line to get your green card, behind all those who have been waiting legally to get theirs.

The Cornyn amendment creates harmful barriers for refugees fleeing persecution. In America, we have had a long and proud tradition of providing refuge to people who have faced persecution and oppression in their lands, whose lives are at risk because they stood up for their beliefs.

We took in refugees from Cuba and from Vietnam as they fled communism. We have helped people from Somalia and Bosnia and other areas of conflict and oppression. Now we are beginning to help people whose lives are at risk because they helped our troops in Iraq.

But often these persecuted refugees have no choice but to cooperate with their oppressors in order to save their families' lives and enable their escape. The Cornyn amendment says: If you do that, if you provide what is called material support to these oppressors and terrorist groups, then we are not going to rescue you from the hands of your oppressors. You have to take your chances and hope your oppressors do not persecute you or even kill you or your family.

Consider the case of Helene from Sierra Leone, Revolutionary United Front rebels attacked her home, hacked one of her family members to death with a machete; they set her son on fire, leaving him near dead with severe burns. They held her family captive, raping her and her daughter and forcing them to cook, forcing her to cook and wash their clothes.

The Cornyn amendment would bar legitimate refugees who were forced to assist their oppressors under duress. Under the Cornyn amendment, Helene would be ineligible to come to America as a refugee because she cooked for the rebels and washed their clothes. Under the Cornyn amendment, she and her family are ineligible because they provided material support for a terrorist group.

If that is not bad enough, the Cornyn amendment says she can be excluded based on secret evidence, evidence that neither she nor anyone else outside the Government can see. She may never know why she was excluded. The Cornyn amendment even bars her from going to court to explain her situation and appeal the denial of her case. The decision of the Secretary of Homeland Security or the Attorney General is final.

Helene would never get her day in court to explain the tragic circumstances of her case. The door to freedom in America would be closed shut, end of the discussion, you go back into the hands of your persecutors.

Madam President, surely by now, we have learned that closed proceedings conducted by executive branch officials based on secret evidence without any possibility of court review are inconsistent with American traditions and inconsistent with the search for justice; let's not go down that road again.

The amendment makes all of its changes retroactive. They apply to the past and future conduct. The Cornyn amendment would change the rules in midstream. That is frowned on in American jurisprudence; it is unconstitutional in criminal law and disfavored elsewhere. People whose conduct would not have affected their immigration status at a time it was committed, will suddenly suffer severe consequence. The retroactivity provisions simply bring home the punitive nature of this amendment. It is not designed to contribute to creation of a tough but fair and practical system of immigration, it is designed to be harshly punitive.

This amendment would exclude hundreds of thousands from benefits of this bill and undermine the bipartisan compromise that members of this body worked so long and so hard to produce. We will have an opportunity to vote for an alternative, the amendment I have offered. The amendment expands the

already tough criminal gang provisions contained in the bill.

If you are associated with a gang, and that gang is known to be engaged in violent crimes, drug crimes, crimes involving firearms or explosives, alien smuggling or trafficking, you are not going to qualify for benefits. If you are associated with a gang and the gang has been engaged in crimes of violence, including murder, arson, possession, kidnapping, bank robbery, sexual exploitation, abuse of children, obstruction of justice, witness tampering, burglary, racketeering, among other crimes, you are not going to be entitled to receive lawful status in this country, and you are not going to qualify for benefits.

This amendment expands the already tough grounds of inadmissibility and the criminal penalties in the current immigration law. We target essentially the same provisions as Senator CORNYN but in many instances go further. This amendment bars the admission of sex offenders who don't register as required and makes them subject to deportation as well.

It ensures that wife beaters, child abusers, stalkers, and others who prey on the vulnerable are inadmissible to the United States. It ensures that a drunk driver who is sentenced to 1 year of prison cannot be admitted to the United States and can be removed as well. Our drunk driving provisions, which require only one felony conviction, are even more restrictive than Senator CORNYN's, which requires three convictions before a drunk driver becomes inadmissible. We increase the penalties for illegal entry. We ensure that immigration fraud is subject to perjury charges. We toughen the penalties for firearm offenses. We are tough, but we are practical too. That is where this side by side differs from Senator CORNYN. His provisions are bright-line rules. He turns many of these criminal offenses into aggravated felonies. That is ''immigration speak'' for: You will never, ever be forgiven.

For many offenses, such as murder, that is more than a reasonable consequence. Murderers should not become U.S. citizens. Under the current law, they can never become a citizen. But most immigrants are not murderers, they are people who have entered the United States illegally. Under the Cornyn amendment, they could be aggravated felons too.

As a practical matter, Senator CORNYN does not want us to distinguish between murder and illegal entry; but that is not practical, nor does it reflect our criminal justice system. So it is true that we build in some small but important waivers that in extraordinary circumstances would give someone a second chance, not murderers but someone who had long ago made a mistake.

This week, I received a letter about a young man named Adrian, a former gang member in Massachusetts who has turned his life around. Adrian went from a life of juvenile delinquency to that of a dedicated student; one who works full time now in hopes of going to college. Adrian's principal and his teachers praise him for his hard work, his commitment to family, his newfound motivation to go to college. They want him to have a chance to stay in this country.

The author of the letter then says: ''It is a very, very hard thing to leave the gang life behind. There are other Adrians out there as well who have made the same decision regardless of difficulty. Is the message this country wants to send them, that what they have done is unforgivable regardless of whatever changes they may have courageously made? Wouldn't the country gain by having an incentive in law that might attract young people to leave gang life and move their lives forward a very different way? Wouldn't it be helpful to the country to have a waiver that a person could apply for if they can prove they have left a gang and provided evidence on how they have moved on?''

Every change in our immigration law represents a statement about whom we are as a country. Are we a country that takes individual circumstances into account or are we a country that punishes with no regard for individual circumstances? We can be tough on crime and yet retain a level of discretion in our immigration laws? This is the crux of the difference between what I am suggesting to the Senate and what Senator CORNYN has proposed.

That a measure of discretion is every bit as much a tool of law enforcement as the strictest ban. I see my friend who has been waiting here. I yield time.

The PRESIDING OFFICER (Mrs. MCCASKILL.) The Senator from Texas.

Mr. CORNYN. Madam President, I would ask the distinguished Senator from Massachusetts if we may go back and forth across the aisle. I have a speaker on our side as well who would like to be recognized for 10 minutes. Is that acceptable?

Mr. KENNEDY. Well, I would like to follow that. The good Senator was here even before I was this morning. Is that agreeable?

Mr. WHITEHOUSE. Madam President, I would yield to the request of the Senator from Texas.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. I thank all my colleagues for their courtesies.

Madam President, I rise in strong support of the Cornyn amendment and in opposition to the much weaker, watered-down Democratic alternative.

This amendment illustrates a lot about this debate. The Cornyn amendment is clear. It is necessary. It is common sense. It is absolutely necessary we pass amendments such as this and have the ability to debate and vote on amendments such as this in the important immigration debate.

This amendment is very straightforward. It prevents terrorists, gang members, sex offenders, and other folks who have broken the law in significant ways, committed significant felonies, from receiving immigration benefits and citizenship in the future. How can any of us in the Senate oppose a straightforward and necessary commonsense amendment? How can any of us be comfortable with an underlying bill which has these gaping loopholes? We must address these gaping loopholes. How can we tell families across America that we are going to allow sex offenders and gang members to become legal residents, possibly citizens? The Cornyn amendment would prevent this. It would address all of these significant loopholes.

Again, terrorists, gang members, violent gang members, those who have committed other significant felonies, those who have been detained for coming into the country illegally and have absconded, those who have been deported from the country for coming into the country illegally and have reentered illegally—all of those categories of illegals should be prevented from gaining the benefits of this bill. The Cornyn amendment clearly does that.

The Democratic alternative clearly does not. It has significant omissions from the Cornyn amendment. It allows absconders, those who have been detained and have gone underground, to receive the benefits of the bill. It allows those who have been deported from the country and who came back in illegally to get the benefits of this bill. It allows others who fall into the category of gang members and those who committed serious felonies to gain the benefits of this legislation. That is simply wrong. We must support the commonsense, straightforward Cornyn amendment.

I also want to spend a portion of my time urging my colleagues to not vote for cloture on this bill as it presently rests before us, because we have many important amendments to consider. Two of those are the amendments I will humbly offer to the Senate. They are important issues; they are important amendments. I urge us to pay careful consideration to them and to have an opportunity for debate and vote.

In that spirit, I ask unanimous consent to lay aside the pending amendment and to call up my amendment No. 1338.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. I am sorry to hear that. Let me try my second amendment which is also at the desk. It concerns a significant provision in the bill which we need the opportunity to debate and vote on. That is Vitter amendment No. 1339.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. VITTER. Madam President, unfortunately, this illustrates the point about the inappropriateness of cloture. These are two significant amendments which go to important provisions of the bill. All of us—and more importantly, the American people—deserve to have these matters debated and voted on. Let me explain what these amendments are about. Everybody—certainly the majority side—has been given the amendments.

My first amendment only requires what Congress originally mandated back in 1986; that is, the entry/exit system known today as US–VISIT. We must have that fully operational before all aspects of this bill are allowed to go into effect. It was authorized 10 years ago, but it is not near to fully operational now. We must make sure that it is a part of this bill's enforcement trigger.

Without the US–VISIT system's completion, we can't be sure that we know what individuals are in the country. In fact, we can be sure we will not know because how can we possibly have a grasp of who is in the country and who is not in the country without this system which tracks people as they exit? There are a lot of folks on visas here for a limited period of time. Under that visa, they, of course, need to exit the country before their visa is up. The US–VISIT system allows us to know if they are doing that. How can we possibly be ready for the full implementation of this legislation, how can we possibly say we have the enforcement system we need in place without the US–VISIT system, without knowing who exits the country and when, without knowing whether they have overstayed their visa?

As of 2006, the illegal population included 4 to 5.5 million overstays, people here illegally because they are overstaying the time limits of their visa. The US–VISIT system is absolutely necessary to get to the heart of the problem and to enforce against overstays. How can we say we have adequate enforcement, how can we trigger the other provisions of this bill without making sure we have that in place, functioning, fully operational?

The US–VISIT system is not any part of the triggers now in the bill. It must be. That is what my amendment 1339 goes to.

As I mentioned, I have another amendment, No. 1338, that would correct a provision in the bill which doesn't allow for a catch-and-release program anymore but simply changes that to a catch, pay, and release program. In this legislation, those in this country illegally who are caught and who are not from Mexico don't have to be kept in custody. They can be released on a $5,000 bond. For months, and indeed years, we on the Senate floor and those around the country have decried the catch-and-release program, a program that has been in place where illegals are caught but are released into our country and simply given a piece of paper that says: Show up to court on such-and-such a date. Guess what. They never do. This bill merely changes that to a catch, pay, and release program. It allows catch and release to continue, only with a $5,000 bond.

Why is that a problem? Because many of the folks we are talking about, particularly those who are among the most dangerous, those involved in illegal drug activity, those in other organized crime, can get the $5,000 bond. If they are already paying human smugglers to get them across the border, in many cases thousands and thousands of dollars, one has to assume they can get the resources to pay this bond. Changing catch and release to catch, pay, and release is completely inadequate. Yet that is what the underlying legislation does.

Amendment No. 1338 would close that loophole, would say: No, we are going to end catch and release forever, and we are not going to allow cash, pay, and release. When we catch these folks coming into the country illegally who are not from Mexico, so we can't simply send them back to Mexico at the southern border, we are going to detain them. We are not going to let them into the country on a bond or anything else. We are going to detain them until they are deported, and we are going to work very hard to deport them as quickly as possible.

Again, I believe my two amendments, which have not been allowed to be offered, clearly illustrate why we are not ready for cloture on this bill. This is a significant debate on a massive, 800-page bill. This bill, if enacted, will affect our country in major and significant ways for decades to come. Everybody admits that, no matter what side of the debate they may be on. Yet we have only been allowed to have a modest number of votes on the bill, something on the order of 12. That is ridiculous. We need these sorts of amendments considered and voted on, and we must oppose cloture until that happens.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, we have tried to work out an orderly process as we have proceeded. We are going to have plenty of time to deal with a range of different amendments, as we did with the Vitter amendment previously.

I yield 12 minutes to the Senator from Rhode Island.

How much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 39½ minutes remaining.

Mr. KENNEDY. I yield the Senator from Rhode Island 12 minutes.

The PRESIDING OFFICER. The Senator from Rhode Island.

REMEMBERING SENATOR CRAIG THOMAS

Mr. WHITEHOUSE. Madam President, this is my first time speaking on the floor since the passing of our colleague, Senator Thomas. I know we are all very conscious of the desk draped in black across the way, next to Senator CORNYN. I extend my condolences to his many friends, my many esteemed colleagues who knew and admired Senator Thomas and mourn his loss and know he will be sorely missed by his friends in the Senate and his friends and family in his native State of Wyoming.

AMENDMENT NO. 1184

I rise today to address amendment No. 1184 offered by my friend from Texas, my former attorney general colleague, Senator CORNYN.

I will oppose this amendment. It is not entirely without merit in every one of its many dimensions, but it would undercut the fundamental principles of due process which are a longstanding and vital hallmark of our legal system. I fully support the creation of new grounds for inadmissibility to the United States for convicted sex offenders, gang members, repeat DUI offenders, and for individuals who have been convicted of firearms offenses and domestic violence. I have prosecuted these crimes. I have a firsthand understanding of how dangerous these criminals are. Simply stated, America's doors should not be opened to people who commit such crimes. If Senator CORNYN believes there are loopholes, I am happy to plug them, although I would note that the Secretary of Homeland Security, the Attorney General, the President, and others seem satisfied.

For that reason, I will support the alternative amendment offered by Senator KENNEDY which would add these offenses and others to the grounds for inadmissibility.

There is a right way to ensure dangerous criminals don't enter the country and there is a wrong way. Unfortunately, the amendment we are debating goes about it the wrong way. Let me explain.

Under the Immigration and Nationality Act, good moral character is a prerequisite for a variety of benefits and privileges, the most important being naturalization. Therefore, the law lists a series of characteristics which exclude a person from the definition of ''good moral character'': for example, a person whose income is derived principally from gambling or one who has given false testimony for the purpose of obtaining benefits or one who has been convicted of an aggravated felony. This, of course, makes perfect sense. These individuals as a general rule should not get on a path to naturalization.

But this amendment would change the definition of ''good moral character'' in a very novel and unsettling way: It would exclude from that definition one who the Secretary of Homeland Security or the Attorney General determines, in the unreviewable discretion of the Secretary or the Attorney General, to have been at any time an alien described in section 212(a)(3) or 237(a)(4). These sections list a series of security-related grounds under which

an alien is excludable or deportable. Those grounds, sensibly enough, include espionage, sabotage, terrorist activity, and any other unlawful activity. Anyone convicted of such offenses or even indicted for such offenses should be, of course, excludable. But that is not what this amendment says. This amendment would give the Secretary of Homeland Security and the Attorney General unreviewable discretion to make a determination as to good moral character.

First, as I have previously said, I am not inclined to expand the powers of the current Attorney General in any substantive way, much less to expand his power to make important unreviewable decisions. Setting aside my grave hesitation about this particular Attorney General, as a general rule, I don't believe we ought to prevent judges from reviewing important decisions which can affect life, liberty, and property. This would violate one of the most fundamental principles of American democracy—judicial review, a principle we have honored for centuries.

The second issue is even more unsettling. That is, under the proposed amendment, a person could be determined to lack ''good moral character'' if the unreviewable decision is made that he or she is ''described in'' these two specific sections of the immigration code.

''Described in,'' what exactly does it mean to be ''described in'' a statute? Not ''convicted'' under a statute, not ''in violation'' of a statute, not ''indicted'' under a statute but merely ''described in'' it.

Who knows what it means? I have found no precedent for this formulation. Is it consistent with American values to grant the Attorney General and the Secretary of Homeland Security the unreviewable discretion to say that a person is ''described in'' those statutes; the unreviewable power to say that somebody is engaged in ''unlawful activity''; and the unreviewable power to then deny them the benefits and privileges of American law?

That is not my experience as a prosecutor. I found due process to be important and valuable.

The amendment does not stop there. It would allow this unreviewable discretion to be based on evidence which the accused would never have the opportunity to confront.

Madam President, like you, I have spent my professional life in the American legal system, a good deal of it I spent as a U.S. attorney and as an attorney general. My experience is that our American system of law stands on some fundamental principles, among them that people can be aware of the charges brought against them, that people have an opportunity to confront the evidence used against them, that the prosecution and the judge are not rolled into one, and that we have judicial review of important decisions affecting people's rights and privileges. These are basic principles, and they represent core American values.

I do not know why we have to keep getting up to defend this. This is bedrock stuff. From the suspension of habeas corpus, to the administration's legal defense of torture, to ''extraordinary rendition,'' and so on, we have seen relentless efforts to chip away at bedrock principles of American law. With this amendment, there they go again.

Of course, we must do everything proper and necessary to protect our borders and keep Americans safe. But to throw out the separation between prosecution and judge, to throw out the opportunity to understand and explain evidence used against you, to throw out our ancient principle of judicial review, to allow Government officials to take away rights and privileges without answering to anyone? I do not think so.

These principles are too dear to be thrown away so lightly. Our country has been through a lot over the years, and these principles have survived and flourished, to lie today in our hands, in our stewardship, to protect and to pass on, as they were passed on to us.

I do not think this immigration issue is so terrifying that we need to throw these principles away now over immigration. We are made of sterner stuff than that.

I ask my colleagues to oppose Senator CORNYN's amendment No. 1184.

I thank Senator KENNEDY, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas.

Mr. CORNYN. Madam President, I yield the Senator from Alabama 10 minutes from our allotted time.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 10 minutes.

Mr. SESSIONS. Madam President, I appreciate the Senator's comments about American law and principles. As a former U.S. attorney and attorney general, I share the general view. He mentions the historic privileges we have in America. But let me tell you, no one has a right to enter the United States of America. We decide who comes in and who does not.

That is a core principle of sovereignty. Every Nation in the world makes those decisions, if they are a functioning state, and you then allow people to enter on your terms, on whatever conditions they may be. The condition may be, you can enter as long as you are enrolled in a college, you can enter for a certain period of time, you can enter on a tourist visa to do a certain number of things.

But those conditions are not such that if you say someone cannot come here you violated the laws of America. If you say you can come to America but not if you have a history of being a sexual predator, what right does that violate? What principle of American law does that violate? I suggest none. We have every right to insist and ensure the immigration system of the United States serves the national interest. The national interest means you do not allow people to continue to stay in our country or to come to our country who have repeat DUIs or who sell drugs or who are associated with terrorists. How basic is that? Nobody has a constitutional legal right to demand entry into the United States of America. How much more basic can it be than that?

So that is where we are confused. It amazes me the lack of understanding and comprehension of what it is all about. We set the standards. We have the most generous immigration laws of almost any country in the world. It has been a big part of our heritage. We are not going to end immigration. Nobody wants to do that, or to act irrationally, and so forth.

But to set reasonable standards, as Senator CORNYN is attempting to do with his amendment, only makes common sense. For example, I have mentioned some of the loopholes. He fixes them. I give him every bit of credit for this: for standing firm, for insisting on this vote, after he has been objected to and objected to and blocked from getting his vote. But he stood firm on this issue. He is going to fix a number of the problems I wish to briefly mention.

Some aggravated felons who have sexually abused a minor are eligible for amnesty under this bill. They have no entitlement to amnesty. Nobody has entitlement to amnesty, whether they are perfectly wonderful citizens and all that. They are not entitled to that. This is a gift we give. So why would you want to give that to somebody who sexually abused a minor?

Well, the child molester who committed the crime, before this bill is enacted, is not barred from getting amnesty if their conviction document omitted the age of the victim. If the conviction document did not put the age down, then they are to be admitted under this bill. After there was some objection to it, they fixed that language for the future but did not fix it for the past or current convictions. So I think Senator CORNYN is correct. I support that portion of his amendment very strongly.

Another provision is that aliens with terrorism connections under this legislation are not barred from getting amnesty. They do not have a right to stay here. If we have any suggestion that someone in this country, now here, or someone who wants to come here is connected to terrorists, they do not have to be admitted. What kind of right do they have to demand to be admitted? If our State Department, in some country around the world, has information that a person is connected to terrorism, they do not have any right to demand to come here. They come at our pleasure, our sufferance.

So one of the things this bill, as written, does is it says an illegal alien seeking most of the immigration benefits must show good character. But last

year's bill—let me say this on the terrorism question—specifically barred aliens with terrorism connections from having the required good moral character to enter the United States. That is one of the things we say. You cannot come here unless you have good moral character. You cannot come here if you are a felon, a thief, a drug dealer or a child molester. Surely, that would make sense. So this bill eliminated that.

Another example, surprisingly, of this bill being weaker even than last year's fatally flawed bill: The bill's drafters have ignored the Bush administration's request that changes be made to the asylum, cancellation of removal, and withholding of removal statutes in order to prevent aliens with terrorist connections from receiving relief. The bill drafters were told about this by the Bush administration and were urged to put different language in, and they refused to do so, for reasons I cannot fathom.

But it begins to show a certain mindset. I think that mindset is we are somehow here to represent people who want to come into our country and stay in our country instead of representing the American people and the interests of the United States.

Last year, we had good moral character as a requirement. Good moral character involved not being connected to terrorists. But according to current law, an alien cannot have good moral character if they are a habitual drunkard, a majority of their income comes from illegal gambling, giving false testimony for immigration benefit purposes, they have been in jail for 180 days, they have been convicted of an aggravated felony or they have engaged in genocide, torture, or extrajudicial killings. That is current law we have. But this year's bill is completely missing these new terrorism bars that were in last year's bill, and the bill no longer requires good moral character. That is a matter that leaves us at greater risk than we need to be. It concerns me.

Another example. Instead of ensuring that members of violent gangs, such as MS–13, are deported, the bill will allow violent gang members to get amnesty as long as they renounce their gang membership on their application. That is the current law. Under the bill, being in a violent gang is not going to prevent you from qualifying for amnesty. The bill requires amnesty applicants to list—to list—you are required to list that gang membership on your application. Then you get a blank that says ''renunciation of gang affiliation.'' So if you check that blank and say you renounce it, then you get to stay in, perhaps.

So why don't we allow this: If an illegal alien has been a member of a violent international gang, such as Mara Salvatrucha 13, MS–13, why don't we say that blocks him or her from being eligible for the amnesty in the bill? Loyalty to the United States should be the requirement, not loyalty to some outside gang that is violent.

The night before last, I happened to turn on C–SPAN and catch a National Press Club conference by a series of law enforcement officers involved in the Border Patrol, the former chairman of the Border Patrol. They were ferocious in their criticism of this bill. I was surprised how strongly they felt about it.

Hugh Brien, himself an immigrant, was Chief of the Border Patrol from 1986 to 1989. He called the bill a sellout, a complete betrayal of the Nation, a slap in the face to millions of Americans who have come here legally like he had done. In 1986, he recalled: ''Our masters, our mandarins promised it would work.'' Of course, the 1986 bill did not. He also said, based on his experience in many years with the Border Patrol: ''It's a disaster.''

Kent Lundgren, the national chairman of the Association of Former Border Patrol Officers, said this: ''There are no meaningful criminal or terrorist checks'' in the legislation. He noted that the ''screening will not happen.'' He added Congress is lying about it.

The PRESIDING OFFICER. The Senator has used his time.

Mr. SESSIONS. Madam President, I thank the Chair and support the Cornyn amendment.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Madam President, how much time do I have?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. KENNEDY. Madam President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. SCHUMER. Thank you, Madam President.

First, I salute my colleague from Massachusetts for his undaunted, courageous, and effective leadership on this issue, which is one of the most difficult issues we face. I think he has the respect of everybody in this body for that—the Senator from Massachusetts does—whether they agree or disagree with the bill.

Now, I rise in opposition to the Cornyn amendment and in support of the Kennedy alternative amendment No. 1333. There certainly are attractive parts of the Cornyn amendment, but the good parts of the amendment are buried in complicated language that strikes at the heart of the comprehensive immigration bill many of us are working hard to pass. At a minimum, my colleague's amendment would have the effect of stripping the path to citizenship, one of the mainstays of the compromise—one of the two mainstays of the compromise—out of the bill altogether. This body has already rejected that approach outright. It ought not do it now by stealth. It is a Trojan horse—nothing short of an attempt to kill the whole bill in the guise of tough enforcement.

My colleagues know when it comes to tough enforcement, whether it is on immigrants, citizens, or anyone else, I don't yield to anybody. I am a tough-on-crime guy. I come from an area that was ravaged by crime, and the works of the Federal Government, State government, and city government helped make the communities I represent much safer.

What we do in the Kennedy amendment is keep the tough enforcement without killing the bill. Let me repeat that. What we do in this amendment is keep the tough enforcement—it is all there—but we don't kill the bill. We don't eliminate the path to citizenship which is, of course, what the Cornyn amendment does and may well be intended to do.

If we are serious about passing the best possible bill and passing a bill that makes good sense, we should support the Kennedy amendment and not throw out the baby with the bathwater. We all want a bill that is tough on people who have broken the law, and we all want a bill that keeps people who should not be let into the United States in the first place from coming here.

Senator KENNEDY's amendment is both tough and smart. It changes the law to prevent the worst criminals from getting into the country and kicks out people who shouldn't be here, and it picks out the best parts of the Cornyn amendment and leaves out the worst.

Like Senator CORNYN's amendment, Senator KENNEDY's amendment says any new immigrant who has participated in a criminal gang in any way, shape, or form can't come live in the United States, period. It doesn't wait for a felony conviction or anything else. If you are in a gang, you can't come in, and you can't become a citizen. Any immigrant in the United States who has been a member of a gang can be deported. That is how it should be. Also, Senator KENNEDY's amendment cracks down on gang members who violate our gun laws.

Under Senator KENNEDY's amendment, aliens who have committed the horrible crimes of domestic violence—stalking, child abuse, child neglect, or child abandonment, and who have been sent to jail for a year—are barred from moving to the country or from attempting to naturalize as citizens. The amendment provides that sex offenders who don't register can't immigrate or come work here, and convicted sex offenders who don't register get deported.

The amendment would keep drunk drivers from immigrating to the United States. Just one felony conviction for drunk driving and you are out. People who try to sneak into the country, illegally cross the border, or lie to immigration agents will face steep fines and jail time, as the bill provides, as this body ratified last week.

The amendment has tough penalties for repeat offenders. An alien who tries

to enter the country after being convicted of a serious penalty can face up to 20 years in jail under the amendment.

So this is one tough amendment. But, again, it doesn't seek by stealth, as the Cornyn amendment does, to eliminate the bill altogether. Some of the things in this amendment are exactly like the language in Senator CORNYN's amendment. Senator KENNEDY's amendment takes the best of the Cornyn amendment and leaves out the parts that will gut or decapitate the bill. A vote for the Kennedy alternative is a vote for tough enforcement but also smart policy.

Madam President, I yield back the remaining time to my colleague and friend from Massachusetts.

The PRESIDING OFFICER. Who yields time? The Senator from Texas is recognized.

Mr. SPECTER. Madam President, customarily, as a manager of the bill, I control time, but I think now the time is in whose hands? I ask for 12 minutes of time, Madam President.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, may I inquire whether the Senator intends to speak for or against the—

Mr. KENNEDY. Madam President, I yield 12 minutes to the Senator from Pennsylvania.

Mr. CORNYN. I think that takes care of it. I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I was about to say some nice things about the Senator from Texas, and I still will. He has been a very active and constructive participant in the consideration of immigration reform. In the 109th Congress he was very much involved and contributed greatly. We didn't always agree on a number of items, but he is very sincere, very studious, very thoughtful, and very constructive, and he continues in that role, although as is evident, there are some differences as to our approach. But I commend the Senator from Texas for what he has done and for what he continues to do here.

I am in favor of the alternative to the Cornyn amendment. I say that because we have structured the bill with a great many compromises. While I might be inclined to agree with the Senator from Texas on some of the specifics that he has enumerated which would be a bar to citizenship, there was a tremendous amount of give-and-take in the structuring of this bill so that I am standing with the committee bill—strike that. We don't have a committee bill. I wish we did. But I am supporting the bill which came out of the lengthy consultation with about a dozen principal Senators participating. There are a number of specifics, in the amendment which is side by side, which I think are preferable to the amendment by the Senator from Texas.

Illustrative of this preference is that the Senator from Texas makes a third conviction for drunk driving a crime of violence. Well, it may be a crime of violence, or it may not be a crime of violence. The alternative which has been proposed would make drunk driving a grounds for inadmissibility and deportability, providing the alien serves at least a year in prison. From my days as district attorney, I have seen quite a number of cases involving drunk driving, for example, and while I don't condone multiple convictions, I think it is a more appropriate ground that there be inadmissibility or deportability where the drunk driving was serious enough to call for a year in jail.

The amendment offered by the Senator from Texas also strips judicial review of findings that an alien is barred on national security grounds. From what we have seen about this issue in many contexts, there needs to be judicial review, although in a different context. In the last few days we have seen the Military Commission conclude that it had no jurisdiction because of problems with the indicting procedure with respect to whether one is an enemy alien or an unlawful enemy alien. This points to the necessity for judicial review, which would be excluded by the Cornyn amendment.

The Cornyn amendment also would deport or prevent citizenship for someone who has ever violated a protective order. Well, it is a good bit more complicated than that. The alternative amendment provides that there would be an analysis. It would exclude people convicted of a felony domestic violation, but there would be a consideration about whether, on a protective order, the alien was acting in self-defense, along with other considerations, in fact. Most fundamentally, the Cornyn amendment would strip the authority of the Departments, the Department of Homeland Security and the Department of Justice, to waive certain grounds which would warrant deportation or inadmissibility. That discretion, which is lodged in the alternative, enables a fuller review of the facts. It gives a chance to really look beyond some of the technical categorizations which might appear ominous on their face, but which, after there is a detailed review of what has happened on the underlying factors, might reveal there ought not to be inadmissibility or deportation. That discretion ought to remain with responsible officials in the Department of Homeland Security and the Department of Justice.

It is for those reasons, but fundamentally because the pending legislation was crafted with a great many compromises, that I favor the substitute and oppose the Cornyn amendment.

I would like to address something which is more fundamental and very serious, as we have had a statement by the majority leader that if cloture is not invoked tomorrow at 6 o'clock, he will take down this bill.

I think that would be grossly erroneous. I think that would be very bad procedure. If you compare what was done last year in the 109th Congress with what we have done in this Congress, you would see there was much more consideration in the last Congress than has been afforded this bill at this time.

For example, in the 109th Congress, we worked the bill through the committee. We did not work this bill through the committee. That was a leadership decision. I have stated on the Senate floor on several occasions the concern of not having gone through committee; that it was probably a mistake. Well, if this bill is taken down because we haven't made sufficient progress in the eyes of the majority leader, there is no doubt it would be a mistake because had we gone through committee, we would have worked through so many of these issues which we have had to legislate on the floor.

In the 109th Congress, the Judiciary Committee, which I chaired, had 6 days of committee markups. They were tough and laborious days, and we dealt with 59 amendments. We returned one Monday after a recess when the majority leader said he would proceed with the substitute bill, and a Monday back after a recess is a very tough day. But on March 27, 2006, the committee made a special effort to reconvene. We had a quorum, believe it or not, by 10 o'clock in the morning, and we worked through, laboriously, until the evening when we reported out a bill. That is what happened during the markup, 6 days of markup in the committee where, as I say, we considered some 59 amendments.

Then, when we moved to the floor of the Senate, we had 12 days on the bill. We had 4 days before cloture failed, and then we came back with 8 days more and considered in excess of 50 total votes—some rollcall, some voice votes—in passing the bill out of the U.S. Senate.

Now, contrast that with what we have had up to the present time. We have been on the bill 8 days, and 3 of those days were Mondays or Fridays pro forma without voting. We have only had 5 days where we have been involved in voting. Even on those days, they have not been as productive as voting days were on the bill in the 109th Congress because we have been in quorum calls. We have been negotiating. We have been trying to work through issues that, had this bill gone through committee, would have been resolved some time ago.

So you have a comparison of, really, 5 days, plus 3 days of pro forma, 8 at the most, contrasted with 12 days before. It is more accurately a comparison of 12 to 5—12 in the last Congress where we legislated and where we passed the bill. Here, where we have voted on only 21 amendments, contrasted with more than 50 we voted on in the last Congress.

We have also had a tremendous amount of Senators' time and time of the Secretary of Commerce and the

Secretary of Homeland Security. We met for 2 hours on Tuesdays, Wednesdays, and Thursdays, and sometimes on Mondays and Fridays as well, over a 10-week period.

It is hard to calculate how many hours were put in by Senators, but I think it goes into the thousands. It is hard to calculate how much time was put in by the two secretaries, but I think that goes into the hundreds. If you talk about staff time, it is incalculable. The staff director, Mike O'Neill, worked for about 20 days solid, including weekends, and that was sort of par for the course.

So to pull this bill tomorrow at 6 o'clock—I think it would be hard to find the right word that is appropriate in strength and not overboard. But I think ''outrageous'' would be a modest comment; it would be outrageous to pull this bill tomorrow.

One of my staffers said this bill has been the result of blood, sweat, and fears—paraphrasing Churchill's blood, sweat, and tears—and maybe more fears than blood and sweat. But we have come a long way. We have already seen a lot of finger pointing on this floor. We seem to be a lot better in the Senate at finger pointing than at legislating. But if this bill is pulled down, then you may even see toe pointing, because 10 fingers won't be sufficient for Republicans blaming Democrats and the majority leader for pulling down the bill, and Democrats blaming Republicans for a lot of dilatory amendments.

The majority leader has said these amendments are designed to kill the bill, that the people offering the amendments don't have any intention of voting for the bill. Senators who offer amendments don't have to have intentions of voting for the bill. Senators can offer amendments because they are Senators and because they think their amendments may pass, and because, who knows, they may even think their amendments could improve the bill. I think Senator CORNYN sincerely believes his amendment will improve the bill.

I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I ordinarily keep better track of time, but I am a little wound up and concerned about where all of the work we have done may end up if this bill is pulled and, more importantly, after the work that has been done, where it would leave the immigration mess in the United States. We have 12 million undocumented immigrants; we don't know where they are or what risks they face. We cannot deport them all. We have a porous border. If we don't have comprehensive immigration reform, we are not going to put up all the fencing, the barriers, and stop the additional people. The administration has made commitments, and there will be more about how the funds will be spent. We are not going to go through with employer verification. We are not going to spend the money on foolproof identification so employers can see who is legal and who is not legal, so that we have the basis for imposing tough sanctions, including jail. We are not going to eliminate the magnet to bring more people in. It will be a colossal failure.

I think it is safe to say the Senate would be the laughingstock of the country, after all of the hyperbole and publicity and all of the proposals and objections, if we are not able to finish this bill. It doesn't have to be finished this week. There is next week. We are not known for necessarily using the full week. We vote very infrequently on Mondays, almost never on Fridays. The evening session is not really practiced around here. When I came to the Senate with Howard Baker, we used to have a lot of all-night sessions. One night in 1982 or 1983—I ask for 4 more minutes.

Mr. KENNEDY. I yield 4 more minutes to the Senator. How much time will I have remaining?

The PRESIDING OFFICER. The Senator will have 6½ minutes.

Mr. KENNEDY. I thank the Chair.

Mr. SPECTER. Madam President, we had a tax bill on the Senate floor, and it was 11:45. Howard Baker, the majority leader, was consulting with the Finance chairman, Senator DOLE. There were 63 amendments pending. Senator Baker said we are going to work through the night. He said amendments, like mushrooms, grow overnight. So we worked through the night. There were some amendments taken, some amendments withdrawn, and some voted upon. It is amazing how much shorter the debate is at 3 a.m. It is also amazing how many more Senators there are on the floor at 3 a.m. There were a lot of people on cots in the cloakroom, but a lot of Senators were on the floor. The insomniacs outnumbered the sleepers by 2 to 1. We had a lot of comments like you heard in Parliament. Someone would be making an argument and there would be cries of ''vote, vote.'' At 3 a.m. the cries of ''vote'' and the lack of decorum carried the day.

The point is that a few more days in the Senate will not impede the action of this body. Some of the items that are coming up on the agenda may not merit the kind of time and attention the immigration bill does.

The American people are obviously sick and tired of the bickering in the Congress and in the Senate, sick and tired of the kind of finger pointing, and there will be an awful lot of it if we fail to legislate on this matter. The bill may be voted down. I think the bill will pass if we stick with it. Certainly, we ought to carry it through to conclusion.

I thank my colleague from Massachusetts for yielding me the extra time.

I yield the floor.

Mr. WEBB. Madam President, I rise today to discuss amendment No. 1313, an amendment that I will offer to the immigration reform bill, which will address what I believe are two crucial flaws in this legislation. The first flaw relates to what some people may call amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. The second flaw relates to an unworkable set of procedures applicable to those who are properly offered legal status. It is important to the health and practicality of our system that these two flaws be addressed.

My amendment would achieve three critically important goals: it creates a fair and workable path to legalization for those who have truly put down roots in America; it protects the legitimate interests of all working Americans; and it accords honor and dignity to the concept of true American justice.

If one accepts the premises of these three goals, then I strongly believe that this amendment is the best way forward.

As a general matter, I agree with my colleagues that the time has come for fair and balanced reform of our broken immigration system. When I say ''fairness,'' I mean a system of laws that is fair to everyone here in the United States and especially our wage earners.

I strongly support the provisions in this immigration bill that strengthen our Nation's borders. Our porous borders are a threat to our national security, and we have waited far too long to fix this problem.

I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers. The bill's employment verification system will help ensure that illegal workers cannot get employment in the United States and would therefore face little choice but to return to their homelands.

As a point of reference, I do not support this bill's creation of a massive new temporary worker program. Two weeks ago, I voted to support Senator DORGAN's two amendments to strike and sunset that program, and I find it regrettable that the Senate did not adopt those amendments.

We have seen a good bit of analysis on the Senate floor in recent days to the effect that the temporary worker program will be largely unworkable. To the extent that it would work, it would create a wage-based underclass and a bureaucratic nightmare. Furthermore, as I stated on the floor 2 weeks ago, I believe that guest worker programs—aside from purely temporary, seasonal work—drive down the wages of hard-working Americans and of those who came here by following the law.

With those points in mind, I now turn to my amendment, which regards the other major component of this bill—the legalization program.

My amendment reflects a proposal that I have been discussing with Virginians ever since I began my campaign for the Senate. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in their communities. I do not, however, favor this path to citizenship for all undocumented persons.

Under the provisions of the immigration bill we are debating, virtually all undocumented persons currently living in the United States would be eligible to legalize their status and ultimately become U.S. citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons that this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of basic fairness, which is the very foundation of our society.

By contrast, my amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status, based on the depth of a person's roots in their community.

Under my proposal, undocumented persons who have lived in the United States at least 4 years prior to enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills in the past few Congresses—bills that were supported by Senators from both parties and by immigrants' rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

The statutory criteria to be considered would be work history, payment of Federal or State income taxes, property ownership and business ownership in the United States, knowledge of English, attendance at U.S. schools, immediate family members in the United States, whether the applicant has a criminal record, and whether the applicant wants to become a U.S. citizen.

Like the underlying bill, applicants would be given probationary status while the DHS considers their Z visa application and could lawfully work during this probationary status period.

I believe these provisions are fair to our immigrant population and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill, which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical.

It strikes the bill's unrealistic ''touchback'' requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their U.S. jobs, leaving their families in turmoil and placing further strain on our communities. Basic fairness dictates that these persons be allowed to apply for a green card from within the United States.

I believe that my amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that will help us avoid the same mistakes our country made in 1986 with the Simpson-Mazzoli amnesty bill.

I have heard loud and clear from Virginians, and I have talked with people on all sides of this issue. What I hear over and over again is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so and to do so realistically.

I ask you all to support amendment No. 1313 when it comes for a vote in the Senate.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, how much time do I have?

The PRESIDING OFFICER. The Senator has 22 minutes.

Mr. KENNEDY. Will the Senator yield as a point of interest?

Mr. CORNYN. Yes.

Mr. KENNEDY. I think I have 6½ minutes.

The PRESIDING OFFICER. The Senator has 8½ minutes.

Mr. KENNEDY. I am trying to get some information to the Senators who will follow along. Does the Senator plan to use the remainder of his time? I am not trying to hurry him; it is only for information purposes.

Mr. CORNYN. Madam President, I agree it is a good idea to try to give our colleagues notice as to when a vote will occur. I am happy to agree we can have the vote at 11:45. I probably will not use all of my time, but it depends on how wound up I get.

Mr. KENNEDY. Why don't we sort of move along but indicate to our colleagues that we are reaching a conclusion and we expect votes fairly soon. Then we will have follow-on amendments with Senator DEMINT and, hopefully, Senator BINGAMAN. If we can work those out in the next 20 minutes or so, we can get stacked votes; otherwise, we plan to have these two votes reasonably soon.

The PRESIDING OFFICER. For the information of Senators, the vote will occur at approximately 11:55 if some time is not yielded back.

The Senator from Texas is recognized.

Mr. CORNYN. Madam President, we have a number of speakers who have commented. I appreciate the wise comments of the Senator from Pennsylvania, and I am not talking about the part where he was complimentary of me; I am talking about his comments on the process and the difficulty, since this bill came to the floor without going through committee, of providing an adequate opportunity for debate and amendments. We have all tried to work our way through this.

I do concur it is a terrible mistake in judgment to seek to close off debate on this bill before an adequate opportunity for votes occurs. We have had, by my count—and I could be off one or two—nine rollcall votes on this bill. By way of comparison, when the McCain-Kennedy bill, which later became the Hagel-Martinez bill, was on the floor last year, we had 32 rollcall votes, I believe. We need to have an adequate opportunity to flesh this out. As we have seen here, some of these details get very technical, but they have a profound consequence in terms of the outcome.

Let me speak to some of the specific items that have been raised here. As we pointed out, first, there will be a vote on the Kennedy amendment, and then there will be a vote on the Cornyn amendment. With all due respect, I call the first one a watered-down version of the second one. I will point out the differences now, in part.

The Kennedy amendment would still allow waivers to allow members of gangs to become legalized under the provisions of this bill. The Kennedy bill would still allow sex offenders to not be barred if they were sentenced to less than 6 months. The Kennedy bill would still allow waivers for firearms offenses; that is, allow people who have been convicted of firearms offenses to get a waiver and to be allowed legal status.

My amendment covers those who are associated with terrorist organizations. Those innocents referred to under the material support provisions are covered by a waiver executed by the Department of State and Department of Homeland Security.

As we can see, this gets exceedingly technical. Let me focus on sex offenders, by way of example, to point out why these differences are important. My amendment would bar those who have failed to register as sex offenders from becoming eligible for a Z visa and legal permanent residency status and a path to American citizenship. We have spoken in Congress on this issue through such legislation as the Adam Walsh Act. We have made it clear we will monitor and lock up those sex offenders who don't follow the rules and bar sex offenders from bringing individuals into the country whom they may also harm.

Yet the amendment offered by the distinguished Senator from Massachusetts, Senator KENNEDY, would still give those sex offenders who fail to register a loophole to exploit if they can plea bargain their case to less than 6

months. The maximum penalty for the underlying offense is no more than 1 year. All of us who have had experience in the legal system, particularly with the criminal law system, understand plea bargains are a way of life and it may well be a very serious sex offender will have plea bargained an indictment against him or her to less than 6 months, and still be allowed entry into the United States under the Kennedy amendment.

Here is what the Kennedy amendment does. On page 20 of the amendment, it modifies the exceptions to the criminal bars admissibility by adding failure to register as a sex offender and firearm offenses to the list of offenses excepted from the criminal bars to accessibility.

Why would we allow this loophole? We just got this amendment last night, of course. We have not been able to survey the sex offender registry laws of all 50 States. We know there is at least one State—New York—where first-time failure to register a conviction is a class A misdemeanor, punishable by up to 1 year.

My simple question is: Why would we want to employ a loophole for sex offenders and allow them to gain the benefits under this bill by being eligible for a Z visa, with a path to legal permanent residency, potentially, and American citizenship?

My amendment makes clear—unlike the Kennedy amendment—that all these loopholes are closed and this is not possible. I cannot imagine that the American people would feel, among the many other people who are arguably worthy of gaining benefits under this bill, we would want to demean what we are doing here by providing these benefits to people who so clearly have shown themselves unworthy of getting those benefits.

I will point out that I know we have had a big debate in this country and in the Senate about what constitutes amnesty. I think the problem is the American people—many of them—don't feel we are serious about restoring the rule of law when it comes to our broken immigration system. I don't mean for a minute to impugn the good faith of Senators who have labored long and hard to try to bring this bill to the floor, and those of us who are trying to improve it, to make it better. But by way of example, these are the sorts of offenses that ordinarily would be punishable under our laws but which are completely ignored when it comes to applicants for a Z visa—and that is the 12 million or so who are here—who have committed these acts.

Anyone who has entered the country without being inspected or admitted; that is, who came across the border before January 1, 2007, this bill would make eligible for a Z visa.

Any alien who failed to show up for his or her removal proceeding without just cause would be eligible for legal status under this bill.

Any alien; that is, any noncitizen, who, through fraud or willful misrepresentation, got a visa or other document or admitted to the United States would be eligible for a Z visa.

Any individual who makes a false claim to U.S. citizenship—this is an independent offense against our criminal laws—would be eligible for a Z visa.

Any noncitizen who was a stowaway who made their way into the United States, anyone who is the subject of a civil penalty for document fraud would be eligible under this bill for legalization and a Z visa.

Any alien who, when trying to enter the country, did not have the proper documents, visa, passport, border-crossing card, et cetera; any alien who remained unlawfully in the United States for less than a year, left the United States before removal, and then tried to reenter in a 3-year period would be eligible for a Z visa under this bill, or was in the United States unlawfully continuously for more than a year, then tried to reenter the United States within 10 years after leaving or being removed from the United States. It gets a little convoluted, but that person would be eligible for a Z visa or legalization and potentially a path to legal permanent residency and American citizenship.

Under this bill, any alien who, after previously violating immigration laws, for example, crossed the border multiple times and remained unlawfully in the United States for an aggregate of a year or more under this bill would be eligible for legalization under a Z visa, potentially eligible for legal permanent residency and American citizenship.

Any alien who came with another alien who is not admissible to the United States who is certified as helpless due to sickness, disease, and disability and requires the protection or guardianship of an alien. That is one more example of the kind of offenses which ordinarily we would punish under our laws which are waived and not considered when it comes to eligibility of the Z visa.

I don't think it is particularly productive on the floor of the Senate to talk about what is amnesty and what is not, but let me talk about the more basic consideration and one reason I think my constituents in Texas have expressed such strong concerns about it. It is really exemplified in the debate we are having on the Cornyn and Kennedy amendments. Are we serious about restoring respect for the law or are we going to simply turn a blind eye to violations in the future?

What we are being told by the proponents of this bill—and I believe they in good faith believe this, but it is unfortunate that the bill language itself does not appear to bear out that optimism and hope when it comes to the enforceability—is that this is, as in 1986, the last time we are going to do this. If we deal with the 12 million people who have come into the country without a visa or who have entered legally and who have overstayed their visa, if we give them an opportunity to get a Z visa, this is it, last time, it will never happen again. That sounds ominously similar to what the American people were told in 1986 when there were 3 million people in that category. Now we have 12 million in that category.

So the question people have, logically—these are not racists, these are not bigots, they are not nativists, they are not anti-immigrants; these are American citizens who are concerned about their country and about being a country that respects the rule of law—they want to know: Is this going to work? Will it be enforced? Are we serious about restoring the rule of law to our country?

I have to say that the sort of fine and requirement that is being required with the Z visa is looked at with great skepticism. Last week, I had a constituent who said: Well, Senator, are you telling me that we are going to allow people who have not respected our immigration laws to pay $5,000, in effect, to buy legal status and then potentially apply for legal permanent residency and then become an American citizen? Who wouldn't go for that kind of deal? That caused me a lot of concern because I, frankly, had not thought about it in those terms.

But what causes me even greater concern is the concept that is missing from this legislation that is so important; that is, when it comes to our laws, we believe in the role of deterrence. In other words, when we provide a penalty to somebody for violating the law, one of the considerations is, will it deter people from acting in a similar capacity in the future?

I am afraid, when I look at this legislation, it completely omits any consideration of what will deter people from violating our immigration laws in the future. In fact, I am afraid what happens, as pointed out by my constituent, is that it is really viewed as an incentive. If all you have to do is to get into the country any way you can and then wait for the next bill to pass Congress which will allow you to pay a fine and then become legally here and on a path to legal permanent residency and citizenship, that is no deterrent. That is a powerful magnet which will continue to attract people to our country.

I say this not in any spirit except to say we have to find a way to fix this. I have been one who wants to try to fix this legislation. The amendments I have offered are in that spirit. But I have to say that we are going to continue to be viewed as nonserious about workability, about enforcement, about restoring respect for the rule of law unless we vote to exclude those who have shown nothing but defiance for our laws by absconding, by going underground even after having their day in court and refusing an order of deportation, or those who have been deported following a day in court, following all the rights our country provides for judicial review and administrative review and who simply left to only reenter again illegally.

As I mentioned at the outset, the Immigration and Naturalization Act makes both those categories of individuals felons—felons. This is not a misdemeanor. This is not an inadvertency. These are not people, frankly, who are entitled to the generosity of the American people when it comes to dealing with their legal status. These are people who showed they have nothing but contempt for our laws, for restoring the rule of law, and I just cannot imagine why any Member of the Senate would vote to give these individuals a path to legal residence and a path to potentially American citizenship.

If we are going to regain that lost credibility—and I think this is really where the rubber meets the road because, frankly, people across this country don't really believe we are serious about making this work. They are used to a history of being overpromised and undersold when it comes to fixing our broken immigration system. But I believe there is going to be a high price to pay for those of us who are still around in the coming years if, in fact, we pass this law knowing that it has these huge, gaping loopholes that excuse unlawful conduct, which is basically thumbing their noses at the rule of law. If we are not serious about making sure people who go through background checks are actually not criminals or terrorists, if we are not serious about making this work, there is going to be a high price to pay for those who support this legislation only in the coming years to find that it was another scam pulled on the American people.

That is why it is so absolutely critical that we continue this debate, and I implore the majority leader to allow us to continue the debate, to allow us to have amendments offered. I understand and we all understand in this country that you win some and you lose some, majorities rule, but that is what we ought to be doing on this bill to make it as good as we possibly can to try to regain the respect and the trust of the American people because, frankly, we don't have it now. That is the reason for the outcry we have heard in my State and around the country when it comes to this legislation.

We can fix it. I am an optimist, but we cannot fix it if there is not an opportunity for a full and fair debate and if the majority leader is determined to cut off the opportunity to provide votes on amendments and is going to insist on ''my way or the highway''; in other words, you are either going to have to agree to not let your amendments be heard and to let this bill go to a final vote or the majority leader is going to pull it down and deny us the opportunity to fix this problem.

I don't know anyone in the Senate who doesn't want to fix this problem. It is enormously complicated because this problem has festered for 20 years or more without a solution. That is no excuse for not trying, and that is why I have tried, along with my colleagues, to come up with an acceptable solution. I would say 90 percent of it we agree with. There is no light separating us. It is in the 10 percent we talked about that is the subject of important amendments which need to be heard and voted on where we can regain that trust.

Let me say in conclusion—and I may reserve a little bit of time—let me say before I sit down, Mr. President, that a ''no'' vote on the Cornyn amendment and a ''yes'' vote on the Kennedy amendment will, in essence, could retitle this section of this bill ''No Felon Left Behind'' because while we have excluded many categories of felons, we have, for some reason, left this big, gaping hole when it comes to those who show nothing but contempt for our laws. We need to fix this bill, we need to make it better, not make it worse, and we have an uphill climb to regain credibility of the American people to show we are serious and we want to restore our reputation as a nation that believes in the rule of law. A ''no'' vote on the Cornyn amendment will do nothing to help it; indeed, I think it will confirm the worst suspicions of the American people—that we really are not serious about fixing this problem.

Mr. President, I yield the floor but reserve the remainder of our time.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8½ minutes remaining.

Mr. KENNEDY. Mr. President, I listened carefully to the Senator's presentation. I have come to a different conclusion. The Senator said a ''no'' vote means we are really not for dealing with this issue. We have a bipartisan group that has worked long and hard. The Senator from Texas was involved in a lot of the discussions. As we pointed out previously, we wanted to have tough law enforcement internally. We wanted recognition that those 12.5 million people here were going to be able to be secure, they weren't going to be deported, they were going to go to the end of the line, they would have to go through the earned legalization program, bring families together again, set up a program in terms of a temporary worker program. I don't know what 90 percent the Senator agrees with because I haven't heard much.

What is important is what his amendment does and what its impact would be.

We ought to come back at the conclusion of this debate to the point that was raised at the beginning because after all the rhetoric, after all is said and done, listen to the example that was given by my friend from Illinois.

Senator DURBIN describes a mother of four U.S. citizens, married to a U.S. citizen, who is herself undocumented. She left the country to visit her sick mother. She was apprehended after she snuck back in. That means she has reentered the United States at least twice, and under the Cornyn amendment on page 2, she could be convicted of illegal reentry. That would make her an aggregated felon. Even if she is not convicted, the Cornyn amendment makes her ineligible for the Z program.

On page 10 of the amendment, he eliminates the waiver for final orders available in the bill. This is a waiver for hardship to family, and he eliminates it. No harm, the Senator says, because she can get a different waiver as the wife of a U.S. citizen. That didn't stop DHS from deporting her.

So why should people come out of the shadows? Why should they come out of the shadows if they are here with false papers, undocumented? Why should they come out of the shadows when they have seen what has happened to a mother of four citizens married to an American citizen? That is what we are basically talking about. That is undermining the basic core because we are talking about 12½ million people who are here, who came here to work in order to provide for their families, and they have been trying to do that for their families. More often than not, they probably went back to their countries of origin and came back in again. Probably more often than not they had false papers in order to be able to get their jobs. That in and of itself, under the Cornyn amendment, would effectively exclude them from participating in this program and would subject them to deportation. End of story. End of story because that undermines, obviously, the essential aspect of this legislation.

The rest of the Cornyn amendment—which I mentioned earlier with the list of the amendments that we have put through—covers the bars, the criminal gang members, including the new provisions of gang members engaged in gun crimes. Sex offenders are covered by the comprehensive Adam Walsh Act. The sex offenders are not going to get Z visas.

The Senator from Texas can say, under our language, under his interpretation, they will, but they would not. End of story. They would not.

On the provisions regarding drunk-driving convictions and individuals convicted of domestic violence, stalking, child abuse, and other serious crimes, we increase the penalties for perjury, fraud, and firearm offenses.

It is important that after all is said and done—and we gave the illustration earlier about the questions of material support—the terrorists are out.

One thing about managing a bill, for those of us who have been here, we understand it; that there is always the possibility and the likelihood people will misrepresent what is in the bill and then differ with it. It is an old technique. I have even used it myself. But we ought to understand when we see it that it is just a technique that is being used.

So with all respect to my friend and colleague, and I have a good deal of respect for him, the effect of the underlying Cornyn amendment would effectively exclude from the Z visa program any immigrant who had been or will be convicted of using false documents. That is the problem today. Because of our broken immigration system, almost every hard-working immigrant in the country has been forced at one time or another to use false documents to get a job. These people have come here to work. They have been lured by the employers offering work. They are the very people this program is designed to bring out of the shadows. The Cornyn amendment will ensure they cannot come forward. Indeed, if they did come forward, they could be subject to prosecution and mandatory deportation for using a fake Social Security card.

I believe we have addressed many of the concerns the Members have had on dealing with some of these other issues and questions with the Kennedy amendment, and I would hope the Members would vote in favor of that and against the Cornyn amendment.

Mr. President, I withhold the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. May I inquire how much time remains on my side, Mr. President?

The PRESIDING OFFICER. The Senator has 2 minutes 45 seconds.

Mr. CORNYN. Mr. President, let me assure my colleague, Senator KENNEDY, that only those who have actually been convicted of document fraud would be excluded under my amendment.

According to recent statistics, roughly 10 million Americans fell victim to identity theft last year, at an estimated cost of $50 billion to U.S. taxpayers, and victims spent an average of $1,500 and 175 hours to actually recover their good name and their good credit after identity theft. This is not a trivial matter, and it is only people who have actually been convicted, not those who have presented false documents to work in the country who have not been convicted.

As far as the woman with four American children and married to an American spouse, my amendment does not touch her rights under current law. For example, we don't touch current law waivers for consent to reapply for admission. We don't touch the Secretary's ability to grant humanitarian parole. And we don't touch the waivers under current law that cover an immigrant who is the spouse of a U.S. citizen.

I thought Mr. DURBIN, the Senator from Illinois, was satisfied with that answer earlier, but I point that out to my colleagues just so they can be satisfied that there are exceptions for extraordinary circumstances.

What this amendment does is it broadly says felons will not be given the benefits of legalization and a path to American citizenship. They have had their chance, they blew their chance, and they have shown themselves unworthy of the trust and confidence of the American people when it comes to living among us in compliance with our laws and respecting the fact that, yes, we are a nation of immigrants, and proudly so, but we are also a nation of laws. Those laws keep us safe, they keep us secure, and they assure our prosperity, and the prosperity of generations yet to come. We cannot, once again, turn a blind eye to the laws that protect all of us, including those immigrants who have come here to become part of our great country and to seek opportunity for their future.

I hope my colleagues will support the Cornyn amendment, that they will vote against the Kennedy amendment as a dilution and watered-down figleaf of the Cornyn amendment.

With that, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. Mr. President, with regard to Senator DURBIN, he could come back and speak to this issue, this was a mother of four U.S. citizens, herself undocumented, who left the country to visit her sick mother and was apprehended after she snuck back in. She had entered and reentered the U.S. twice. She had false documents, and she has been effectively deported.

The Senator says, well, she had rights to appeal, rights to do this and to do that. This is the real impact. This is the real impact of the Cornyn amendment. This is what the Cornyn amendment is all about. We know the people who have come in here. Why do they come in here? They come to work. Why do they come to work? Because the job is there. They are devoted to their families, devoted to their work and faith, in many instances devoted to this country—with 70,000 of them working in the Armed Forces of the United States. But in order to be able to do that, somewhere along the way they get the false papers. That is what the facts are. The great majority have them.

Under the Cornyn amendment, it says those individuals are subject to deportation. He thinks all 12½ million people are all going to volunteer and come out and say, well, by the way, Senator CORNYN gave us assurance that somebody down there in DHS can give me a waiver and let me stay. Come on. Come on. We believe that? That is going to be sufficient assurance to get these people to come out of the shadows so that they are not going to continue to be exploited? I don't believe that.

I have a lot of respect for my friend. I know what he is attempting to do in order to deal with some of these other issues, and we have attempted to address that. But the fact remains his amendment undermines the basic core of this—recognizing that people here are undocumented, and the ones who are undocumented, by and large, have these false papers. That is a part of the reality.

The question is: Are we going to say to those individuals: Look, you came here and are undocumented. You are going to pay a fine, and you are going to have to demonstrate that you are going to work, and you are going to show that you are going to be a good citizen. And in 8 years, after all the other people who have been waiting in line, after all of that period, when you are able to pay the fine, demonstrate that you have worked all that time, and have been a good citizen trying to make a difference in terms of going into the country, that then you will be able to at least start—start—on the potential road to citizenship.

The PRESIDING OFFICER. The Senator's time has expired. All time has expired.

Mr. KENNEDY. Mr. President, does the Senator desire the yeas and nays?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, I ask unanimous consent that it be in order to consider the yeas and nays on both amendments.

The PRESIDING OFFICER. Is there objection to the request for the yeas and nays on both amendments?

The chair hears none, and it is so ordered.

Is there sufficient second on both amendments?

There appears to be a sufficient second. The yeas and nays are ordered on both amendments.

Mr. KENNEDY. Parliamentary inquiry, Mr. President: There are going to be two back-to-back votes. The first one will be on the Kennedy amendment and the second one is on the Cornyn amendment; is that correct?

The PRESIDING OFFICER. The Kennedy amendment is the first vote.

Mr. KENNEDY. And the second vote is the Cornyn amendment. I thank the Chair.

To continue, Mr. President, it is our hope that we will move toward the DeMint amendment. We had good debate on that yesterday, and the Bingaman amendment, and then have votes on those fairly soon after. I thank all our Members for their cooperation.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1333, as modified, offered by the Senator from Massachusetts.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 186 Leg.]

YEAS—66

Akaka	Feinstein	Murkowski
Baucus	Graham	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Nelson (NE)
Bingaman	Inouye	Obama
Boxer	Kennedy	Pryor
Brown	Kerry	Reed
Byrd	Klobuchar	Reid
Cantwell	Kohl	Rockefeller
Cardin	Kyl	Salazar
Carper	Landrieu	Sanders
Casey	Lautenberg	Schumer
Clinton	Leahy	Snowe
Coleman	Levin	Specter
Collins	Lieberman	Stabenow
Conrad	Lincoln	Stevens
Craig	Lugar	Tester
Dodd	Martinez	Voinovich
Domenici	McCain	Warner
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—32

Alexander	Cornyn	Isakson
Allard	Crapo	Lott
Bennett	DeMint	McConnell
Bond	Dole	Roberts
Brownback	Ensign	Sessions
Bunning	Enzi	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Sununu
Coburn	Hatch	Thune
Cochran	Hutchison	Vitter
Corker	Inhofe	

NOT VOTING—1

Johnson

The amendment (No. 1333), as modified, was agreed to.

AMENDMENT NO. 1184

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1184 offered by the Senator from Texas, Mr. CORNYN.

Who yields time? The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I would ask my colleagues for a ''yea'' vote on this amendment. If you voted for the Kennedy amendment, you made an incremental improvement over the current law when it comes to banning criminals from getting the benefit of our immigration system. But in order to exclude felons, people who have shown their contempt and defiance of American law, and unless it is your intent to reward felons who have shown their contempt for the American legal system, to reward them with the most precious gift this country can offer, which is legal status, potentially legal permanent residency and a path to citizenship, you should vote yes on this amendment. I would urge my colleagues to do so.

The PRESIDING OFFICER. Who yields time? The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, make no mistake about it, with many good intentions which were covered in the Kennedy amendment, this guts the bill because it not only eliminates—it not only says that felons should not become citizens, and we agree with that, it says that anyone who has filed an illegal paper should not become a citizen. That is every immigrant who would be on the path to citizenship. This body voted against eliminating that provision overtly a few weeks ago. Now they are trying to do the same thing covertly because if you vote for this amendment, you will say no one will have a path to citizenship, no one who works, because everyone who has worked had to file a Social Security paper or something like that.

Anyone who wants to keep this bill going at the moment should vote against the Cornyn amendment. The Kennedy amendment dealt with felons. This is a stealth, Trojan horse amendment to kill the bill by saying no one—no one—who has ever worked shall have the path to citizenship.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

Mr. CORNYN. Mr. President, with all due respect, the Senator should read the amendment. It does not affect people who have committed identity theft unless they have actually been convicted of that. It would have no effect on people who have entered without a visa or who have come in on a legal visa and overstayed. This is no gutting of the bill; it is only to protect the American people from felons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent for 30 seconds.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Objection.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to amendment No. 1184, as modified, offered by the Senator from Texas.

The yeas and nays were previously ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Oklahoma (Mr. COBURN).

The PRESIDING OFFICER (Mr. MENENDEZ) Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 187 Leg.]

YEAS—46

Alexander	Crapo	Nelson (FL)
Allard	DeMint	Nelson (NE)
Baucus	Dole	Roberts
Bennett	Dorgan	Rockefeller
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Landrieu	Vitter
Conrad	Lott	Warner
Corker	McConnell	
Cornyn	Murkowski	

NAYS—51

Akaka	Brown	Clinton
Bayh	Cantwell	Craig
Biden	Cardin	Dodd
Bingaman	Carper	Domenici
Boxer	Casey	Durbin
Feingold	Leahy	Pryor
Feinstein	Levin	Reed
Graham	Lieberman	Reid
Hagel	Lincoln	Salazar
Harkin	Lugar	Sanders
Inouye	Martinez	Schumer
Kennedy	McCain	Specter
Kerry	McCaskill	Stabenow
Klobuchar	Menendez	Voinovich
Kohl	Mikulski	Webb
Kyl	Murray	Whitehouse
Lautenberg	Obama	Wyden

NOT VOTING—2

Coburn Johnson

The amendment (No. 1884), as modified, was rejected.

Mr. REID. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask unanimous consent that the time until 2 p.m. today be for debate prior to a vote in relation to the following amendments; that the time until then be equally divided and controlled between the two leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments covered in this agreement; that at 2 p.m., the Senate proceed to vote in relation to the amendments in the order listed; that there be 2 minutes of debate equally divided prior to each vote, with the vote after the first being 10 minutes in duration, with no amendments in order to the amendments prior to the vote: DeMint No. 1197, Bingaman No. 1267, as modified.

I designate Senator KENNEDY to have my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are making some good progress. The Senator from South Carolina, Mr. DEMINT, had a good discussion last evening, as well as Senator BINGAMAN. We are grateful to them. We will have a good discussion prior to 2 o'clock on these issues.

We are hopeful, then, we will be moving along. Senator CORNYN had an amendment on confidentiality. We have Senator DODD. There are a number of those where we are trying to go back one side to the other. We hope those Senators who have amendments who are ready, particularly those who would like to enter into a time agreement, will let us know as quickly as possible. We will be in touch with others during this luncheon period and continue to move along. But we are thankful for all the help and cooperation we have received.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, staff has been working hard to set up votes on the amendments that have been called up. We ran into a little problem; that is, we had too many Democratic amendments. But we think at this stage they are now working on setting up side by side, in some instances, Republican amendments. We need to clear

off the amendments that have been called up.

Now, as I have just indicated, if we have offsets for the Democratic amendments, we will go ahead and allow those to be called up or have side-by-sides. Once we get this done, I have been assured by both Senator KENNEDY and Senator KYL and others that we can have a list of amendments people need a vote on—not they want a vote on but need a vote on. We hope both cloakrooms have hotlined this and Senators are working on a personal basis with individual Senators.

Hopefully, we can get, by the 2 o'clock time, permission to do away with—I should not say ''do away with''—to dispose of the amendments that have been called up. Then, hopefully, we can shortly thereafter find out what amendments people wish to have votes on. If we can do that, it would really move this ball down the court a long ways.

Mr. KENNEDY. Mr. President, will the Senator yield?

As I understand, 1 o'clock today is the deadline for the filing of amendments.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. A number of Senators have spoken to me about having their amendments filed. Many of them I have given the insurances that we would. The Senator from Texas, Mrs. HUTCHISON, had asked that 2 days ago, and we are working with the Finance Committee. I see her in the Chamber. I think Senator THUNE was here last evening. I objected to those individuals proceeding. It would appear to me, out of fairness we ought to make sure they are not excluded. Is our policy to make sure they are at least within—if they have indicated to the floor managers, they want to be in, we have them meet the deadline?

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, all first-degree amendments would have to be filed by 1 o'clock. As we have indicated, we are going to try to be fair to everybody. If there are amendments that have been up at the desk, we will certainly do our best to get to those. I think what we need to do is find out, as I have indicated, what needs to be voted on. Some Senators on our side, for example, have been contacted this morning, and they have decided not to offer amendments. The same will happen over there. If people have been waiting around and feel aggrieved they have not been allowed to offer their amendments, of course, we will consider that. But I do not think we need to do anything right now as far as a unanimous consent request in that regard.

We will do everything we can—everybody is working in good faith—to have people feel they have the opportunity to offer their amendments. I know the Senator from Texas—she is gone—she just walked in. I do not know what her amendment is about. I think it is Social Security. I am not too certain. She has been around here a lot. She is entitled, if for no other reason than having the endurance to hang around as long as she has, to have her amendment offered. We will work with everybody, both Democrats and Republicans, to see if we can work something out to have all these amendments offered and a time set to vote on them.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, all they have to do is be filed by this time.

The PRESIDING OFFICER. That is correct.

Mr. REID. That is correct.

Mr. KENNEDY. So for those who are back in their offices, they do not have to be called up. They just have to be filed. So they have until 1 o'clock for the filing of amendments. We urge those who want to have amendments filed to make sure they understand that. They do not have to call them up. They are protected in that way.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to be allowed to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that following me, the Senator from Maine be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, let me add another part to that unanimous consent request: that the Senator from Florida be allowed to speak for up to 10 minutes, following the Senator from Maine.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Georgia.

(The remarks of Mr. CHAMBLISS are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand, under the rules, the filing time was set for 1 o'clock, and the leader has indicated for filing any amendments that we extend that. I ask unanimous consent that the filing time be extended until 2 o'clock.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. Mr. President, if I could just say this—I would say this mostly to the staffs: We do not need a big rush over here as to filing amendments. It does not give anybody any benefit anyway. Just show some discretion on who has to file amendments, and then we will work our way through those and find out how we are going to dispose of them. So I think this is the right thing to do. There is no magic to the next 5 minutes. So we will wait for the next 65 minutes. If people have trouble making that deadline, let us know.

I have no objection.

The PRESIDING OFFICER. Is there objection?

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, if I might just add a word, we thank the majority leader and the Senator from Massachusetts for extending the time. That should ease substantial pressure on this side of the aisle.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 1554 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Florida is recognized.

(The remarks of Mr. MARTINEZ are printed in today's RECORD under ''Morning Business.'')

Mr. MARTINEZ. Mr. President, I note the absence of a quorum, and I ask that the time be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Dakota is recognized.

(The remarks of Mr. THUNE are printed in today's RECORD under ''Morning Business.'')

Mr. THUNE. Mr. President, I yield the floor and suggest the absence of a quorum and ask unanimous consent that the time be charged equally between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1183, AS FURTHER MODIFIED

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Clinton amendment No. 1183 be further modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1183), as further modified, is as follows:

On page 260, line 13, strike ''567,000'' and insert ''480,000''.

On page 260, line 19, strike ''127,000'' and insert ''40,000''.

On page 269, line 18, insert ''or the child or spouse of an alien lawfully admitted for permanent residence'' after ''United States''.

On page 269, line 21, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 22, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 23, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 24, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 25, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 26, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 32, insert ''or lawful permanent resident's'' after ''citizen's''.

On page 269, line 41, insert ''or lawful permanent resident'' after ''citizen''.

On page 269, line 42, insert ''or lawful permanent resident status'' after ''citizenship''.

On page 270, strike lines 18 through 29, and insert:

(2) by striking paragraphs (2) and (3) and inserting the following:

On page 270, line 31, strike ''(3)'' and insert ''(2)''.

On page 271, line 17, strike ''(4)'' the first place it appears and insert ''(3)''.

On page 273, between lines 15 and 16, insert the following:

(5) Section 201(f) (8 U.S.C. 1151(f)) is amended—

(A) in paragraph (1)—

(i) by striking ''paragraphs (2) and (3),'' and inserting ''paragraph (2),''; and

(ii) by striking ''(b)(2)(A)(i)'' and inserting ''(b)(2)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking ''(b)(2)(A)'' and inserting ''(b)(2)''.

(6) Section 202 (8 U.S.C. 1152) is amended—

(A) by striking paragraph (4); and

(B) by redesignating paragraph (5) as paragraph (4).

(7) Section 203(h) (8 U.S.C. 1153(h)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)'';

(ii) in subparagraph (A), by striking ''becomes available for such alien (or, in the case of subsection (d), the date on which an immigrant visa number became available for the alien's parent)'', and inserting ''became available for the alien's parent,''; and

(iii) in subparagraph (B), by striking ''applicable'';

(B) in paragraph (2), by striking ''The petition'' and all that follows through the period and inserting ''The petition described in this paragraph is a petition filed under section 204 for classification of the alien parent under subsection (a) or (b).''; and

(C) in paragraph (3), by striking ''subsections (a)(2)(A) and (d)'' and inserting ''subsection (d)''.

(8) Section 204 (8 U.S.C. 1154) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) in subclause (II)(aa)(CC)(bbb), by inserting ''or legal permanent resident'' after ''citizenship'';

(II) in clause (iv)—

(aa) by inserting ''or legal permanent resident'' after ''citizen'' each place that term appears; and

(bb) by inserting ''or legal permanent resident'' after ''citizenship'';

(III) in clause (v)(I), by inserting ''or legal permanent resident'' after ''citizen''; and

(IV) in clause (vi)—

(aa) by inserting ''or legal permanent resident status'' after ''renunciation of citizenship''; and

(bb) by inserting ''or legal permanent resident'' after ''abuser's citizenship'';

(ii) by striking subparagraph (B);

(iii) by redesignating subparagraphs (C) through (J) as subparagraphs (B) through (I), respectively;

(iv) in subparagraph (B), as so redesignated, by striking ''subparagraph (A)(iii), (A)(iv), (B)(ii), or (B)(iii)'' and inserting ''clause (iii) or (iv) of subparagraph (A)''; and

(v) in subparagraph (I), as so redesignated—

(I) by striking ''or clause (ii) or (iii) of subparagraph (B)''; and

(II) by striking ''under subparagraphs (C) and (D)'' and inserting ''under subparagraphs (B) and (C)'';

(B) by striking subsection (a)(2);

(C) in subsection (h), by striking ''or a petition filed under subsection (a)(1)(B)(ii)''; and

(D) in subsection (j), by striking ''subsection (a)(1)(D)'' and inserting ''subsection (a)(1)(C)''.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that 5 minutes of the remaining time be reserved for Senator DEMINT.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1267

Mr. BINGAMAN. Mr. President, I want to first speak on behalf of an amendment I offered with Senator OBAMA. It is one of the two amendments that will be voted on in the sequence at 2 o'clock. The amendment is aimed at addressing what I believe is a very shortsighted provision in this draft immigration bill.

My amendment applies only to this new guest worker program we are creating under the bill, the so-called Y–1 program. It doesn't impact the Y–2 program, which is the seasonal and nonagricultural program that is based on the existing H–2B program, or the H–2A program, which is the agricultural temporary worker program.

Under this immigration bill as it now stands, Y–1 workers—guest workers, which is how we refer to them—would be able to work in the United States for three 2-year work periods. But before they could renew their visas for the second and the third of those 2-year work periods, they would have to leave the country for at least a year. This is the so-called 2–1-2–1-2 provision. Work for 2 years, leave for 1 year, work for 2 years, leave for 1 year, work for 2 years, and then leave for good. The total number of work years in the United States would be limited to 6 years, but the work pattern would be interrupted twice each time by a 1-year absence requirement.

The amendment I have offered, and that we will be voting on in a few minutes, simply removes the requirement these guest workers leave the country before they renew their visas. It would leave in place the term of the visa, which is 2 years, and it would not alter the 6-year total work limit that is provided for in the bill. In addition, it would modify the requirement that Y–1 workers meet all of the relevant requirements under the program each time they apply to renew their visas.

Over the last 2 days, I have come to the floor to discuss this provision a couple of times. I strongly believe it does not make any sense from a policy standpoint and, ultimately, we are going to be judged by how much sense this legislation makes. As I have pointed out, this provision is bad for employers; it harms American workers; it will be difficult and costly to implement; and it will likely encourage these workers, whom we are bringing here as so-called guest workers, to overstay their visas.

For these reasons, my amendment has the broad support of labor groups, such as the Service Employees International Union; business organizations, such as the National Association of Home Builders and the Associated Builders and Contractors; and immigration and religious groups, such as the U.S. Conference of Catholic Bishops, the American Association of Immigration Lawyers, and the National Immigration Forum. The coalition of organizations supporting this amendment is indicative of how harmful the 1-year absence requirement would be from a variety of different perspectives.

I ask unanimous consent that following my remarks, the following material be printed in the RECORD: the statement that was issued by the U.S. Conference of Catholic Bishops, a letter by the Associated Builders and Contractors Organization, a letter by the National Association of Home Builders, and a statement by the SEIU, the Service Employees International Union.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, with regard to the employer, it would be extremely costly to require businesses to retrain and rehire new workers every 2 years. No employer I am aware of would think it satisfactory for an employee to take a 1-year so-called break every couple of years. Each of us in the Senate employs people in our offices, here in the Capitol and our home States. This would be an unacceptable condition for us, and I am sure it would be for any employer. Businesses would have to hire other workers to take over for the leaving guest worker, would have to invest time and money in retraining additional staff. This would be extremely burdensome, particularly on small businesses.

From an economic standpoint, I believe it generally does not make sense

to enact laws that cause instability in the workforce and create requirements that unnecessarily impose significant costs on our small businesses. I am not an economist, but this does not seem to be a sensible way for us to do business.

Let me take a moment to read a portion of a letter I received from the National Association of Homebuilders on this issue. The letter says:

> This system essentially makes the entire program in title IV unworkable for the construction industry. In the residential construction industry, employers spend much time and resources training employees. To arbitrarily lose valued employees at the end of 2 years, as they are forced to return home for a full year, creates unnecessary amounts of instability in our workplaces, and wastes scarce employer resources.

The construction industry is not the only sector of the economy that would be adversely impacted by this provision. The new guest worker program is not limited in the respect that existing temporary worker programs are in terms of the work being seasonal or within certain industries, such as in agriculture. These are, in fact, permanent jobs we are talking about, and they are scattered throughout our economy and will be affected if we leave this provision unchanged.

The 1-year absence requirement is also harmful to American workers. Kicking workers out of the country every 2 years ensures that there will always be guest workers who will be coming in to be paid at the low end of the pay scale, and this will result in a depression of wages for all workers, not just those guest workers but for the American workers who are competing for those jobs as well.

According to a letter of support I have asked to be printed in the RECORD that I received from the Service Employees International Union, they say the following:

> Employers will be less likely to invest in worker training or other benefits and wages to retain workers. . . . The 2–1–2–1–2 is a recipe for wage depression, job turnover and increased illegal workers.

The structure of the new guest worker program will also result in a substantial number of these workers overstaying their visas so they don't have to leave the country for an extended period of time. The Government has not done a great job in the past of ensuring that individuals leave the country at the expiration of their visas, and I have no reason to believe—I don't think any of us have any reason to believe—that the Department of Homeland Security will be able to do a substantially better job in the near future.

In December of last year, after the Government Accountability Office issued a report regarding the US–VISIT Program, which is a mechanism by which Government is supposed to be able to track the entry and the exit of foreign visitors, the Department of Homeland Security scrapped its plans to implement the exit portion of that program for U.S. land ports of entry.

In essence, the GAO report found it could take up to 10 years to develop the technology required to fully implement the program and that the cost of doing so could be in the tens of billions of dollars. There is nothing in the immigration bill that indicates that this capability is within our reach.

In section 130 of the bill, the Federal Government is required to come up with a schedule for deploying the exit component of the US–VISIT system. However, we have already been told by the GAO that this will not be a reality for a very long period of time.

In crafting this immigration bill, there has been a lot of attention given to trying to bring together individuals with a wide variety of political views. In my opinion, we have not focused enough on the practical aspects of how this bill is going to be implemented. Compromises need to be made as part of any legislative package, but we cannot lose sight of the need to craft legislation that makes sense from a policy standpoint and that actually can be implemented and can work.

It is my belief the new guest worker program is currently structured in a manner that has more to do with the politics of getting a compromise among those who drafted the legislation than it does with sound policy. As I have discussed, the requirement that these guest workers leave every 2 years before renewing their visas is bad for employers, it is harmful to American workers, it is difficult to enforce, and it will likely result in a larger population of undocumented workers in this country in the future.

For those reasons, I urge my colleagues to support my amendment and to help make this bill more workable and better public policy.

Mr. President, I yield the floor.

EXHIBIT 1

UNITED STATES CONFERENCE OF CATHOLIC BISHOPS,
Washington, DC, June 6, 2007.

U.S. CATHOLIC BISHOPS URGE SENATE TO SUPPORT AMENDMENTS PROTECTING ASYLUM SEEKERS AND GUEST WORKERS IN THE COMPREHENSIVE IMMIGRATION BILL

The U.S Conference of Catholic Bishops urges Senators to vote for the following amendments to S. 1348, the Comprehensive Immigration Reform Act of 2007:

The Lieberman Safe and Secure Detention Amendment. Lieberman amendment #1191 would maintain U.S. obligations to international human rights by providing safe and secure detention for victims of torture and persecution seeking asylum protection in this country. While awaiting judgment on their cases, persons claiming persecution or fear of persecution in their home countries often are subjected to prison-like conditions in U.S. detention facilities without proper health, nutritional, physical or spiritual care. This amendment makes major improvements to the U.S. detention system by reinforcing the country's rich heritage and tradition of assisting especially vulnerable persons.

The Bingaman Guest-Worker Workability Amendment. Bingaman amendment #1267 would eliminate the requirement for the "years out" for guest workers who are renewing their temporary Y-visas. By requiring workers to leave the country after two years, only to return one year later, the underlying legislation would create a highly-bureaucratic and unstable system for guest workers to come in to the country. It is likely that many guest workers would overstay their visas, knowing that they are to return in just a year, and many government resources would likely be devoted to seeking out and punishing individuals who are providing valuable and much-needed work. The Bingaman amendment provides a significant step toward creating a worker program that is more humane, workable, and desirous for both guest workers and employers alike.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
June 6, 2007.

THE U.S. SENATE,
Washington DC.

DEAR MEMBERS OF THE UNITED STATES SENATE: On behalf of Associated Builders and Contractors (ABC) and its more than 24,000 general contractors, subcontractors, material suppliers and construction related firms across the United States, I urge you to vote YES on an amendment (#1267) being offered by Senator Bingaman and Senator Obama to S. 1348, the "Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007," which would remove the requirement that Y–1 temporary workers leave the country before renewing their visas.

Currently, the immigration bill allows Y–1 guest workers to work in the U.S. for 2-year periods (up to 6 years). However, it requires the workers to leave the U.S. for at least 1 year before renewing their visas. Requiring these workers to leave the country for a lengthy period of time between each work period is harmful for employers; extremely difficult and costly to enforce; harms American workers; and increases the likelihood that individuals will overstay their visas. Moreover, the construction industry, more so than many other industries, relies on highly trained workers to fill their labor force. Having a temporary worker on the job for only a two year time frame makes the current Y–1 visa program outlined in S. 1348 virtually useless for our industry. This is due to the fact that in most cases it takes two to four years to properly train workers in the construction industry.

The Bingaman/Obama amendment (#1267) would allow Y–1 temporary workers to stay in the United States for the entire duration of their work visa. This would give ample time for the employee to become fully trained in the construction industry and it would make the new Y–1 temporary visa beneficial to our ever expanding industry. It is imperative that America's construction industry be allowed the time needed to properly train their employees so that accidents on jobsites can be avoided at all costs.

ABC supports the Bingaman/Obama amendment (#1267) that would remove the mandatory requirement that Y–1 temporary workers leave the country before renewing their visa and ask you to vote "YES" on this important amendment.

Respectfully Submitted,
WILLIAM B. SPENCER,
Vice President, Government Affairs.

NATIONAL ASSOCIATION OF HOME BUILDERS,
June 5, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL: On behalf of the 235,000 member firms of the National Association of Home Builders (NAHB), we urge

you (NAHB), we urge you to vote in support of the amendment being offered by Senators Jeff Bingaman (D–NM) and Barack Obama (D–IL), AMDT 1267, that would eliminate the mandatory one year cooling off periods in the proposed 2–1–2–1–2 future flow (''temporary worker'') program contained in Title IV of S. 1348, the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007. Because of the importance of this issue to our members, and the overall workability of comprehensive immigration reform, NAHB will be key voting in support of this amendment.

The future flow program in Title IV of S. 1348 will create a legal process by which immigrants can enter the United States in future years to work in industries that have established labor shortages. Under the current proposed legislation, the bill would require a worker to return to their home country for a full year every two years. This system essentially makes the entire program in Title IV unworkable for the construction industry. In the residential construction industry, employers spend much time and resources training employees. To arbitrarily lose valued employees at the end of two years, as they are forced to return home for a full year, creates unnecessary amounts of instability in our workplaces, and wastes scarce employer resources.

The Bingaman/Obama amendment will eliminate the mandatory one-year ''cooling off'' periods in the current bill, and replace it with a two-year visa, that can be renewed two additional times for a total of six years—equal to the six years that are ultimately allowed under the program in S. 1348 now. Removing the cooling off periods will create a much more usable program for employers, and we urge you to support this effort to improve the bill.

NAHB believes that a workable future flow immigrant program is essential to comprehensive immigration reform because without it, it is likely to lead to a situation that will encourage more illegal immigration in the future.

Again, NAHB will be key voting in support of the vote on the Bingaman/Obama amendment, AMDT 1267.

Sincerely,

JOSEPH M. STANTON,
Chief Lobbyist.

SEIU strongly support the removal of the requirement that Y–1 temporary workers leave the U.S. for at least 1 year before renewing their visas. While we are willing to accept a temporary worker program in exchange for legalization of the 12 million undocumented living among us, we are very disappointed with the guest worker program contained in the ''Grand Bargain''. This is why the Bingaman/Obama amendment is critical and would improve workers ability to stay employed during the entire period of their Y visa. When temporary workers are working in year round jobs it is more difficult for all workers to raise their wages and improve their working conditions. The Y–1 visa program as it is currently drafted will ensure wage depression for all workers, because it will ensure workers leave their jobs every two years. Employers will be less likely to invest in worker training or offer benefits and wages to retain workers. Removing the 1 year return requirement will help all workers raise the wages, gain job experience and receive valuable training to improve the job skills. The 2–1–2–1–1 is a recipe for wage depression, job turnover and increased illegal workers, as history has demonstrated—guest workers will overstay their visas, when they have no legal channel to remain in the country.

We thank Senator Bingaman and Senator Obama for their continued leadership on comprehensive immigration reform. SEIU urges all Senators to vote for this improving amendment.

ALISON REARDON,
Director of Legislation, Service Employees International Union (SEIU).

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the Senator from New Mexico and I have worked on a great many matters since he was elected in 1982. If I may have the attention of the Senator from New Mexico, I am about to compliment him. I don't like to compliment him behind his back. The Senator from New Mexico and I have worked on a great many matters since he was elected to the Senate in 1982. I came at about the same time after the 1980 election. I am especially interested in his amendment and the criticism of the bill because it is the politics of compromise and not based on sound public policy.

The Senator from New Mexico and I are now working on a bill called the Bingaman-Specter bill on global warming. I am pleased to hear there has been no compromise in that bill that is based upon sound public policy. But in a very serious way, I suggest that is what we do. This place would be run a lot better if I ran it unilaterally. The Senator from New Jersey, who is presiding, smiles at that. I think more in humor than in disagreement. But we have 100 Members of this body with 200 different ideas. Each of us has two ideas on the same subject at a minimum. I know the Senator from New Mexico has a full plate on many items. He chairs the Energy Committee. He has been working on the global warming issue. He is not on Judiciary, and he doesn't have a special concern—well, for whatever reason, he did not elect to become part of the group of Senators who worked on the bill, for good and sufficient reason. I am not suggesting he should have. He attended the sessions, as did the Senator from New Jersey who is presiding, and saw what we were doing. We were so compromised that people on opposite ends of the political spectrum left us. They wouldn't stay with us because we couldn't satisfy everybody, and understandably so. We simply could not satisfy everybody.

The question is whether we would have satisfied anybody. We will know when we move along and try to get this bill to final passage. But when you take what happened to us last year—we passed a bill in the Senate, they passed one in the House, and we couldn't even conference it, wouldn't even conference it. There are people who just want a tight border and to deport 12 million undocumented immigrants. That is what they want to do.

As we work through the compromises, I would consider it a compliment to be a party to the politics of compromise, and I would accept the term ''politician'' with grace and appreciation. I remember hearing Adlai Stevenson speak in the early fifties. Perhaps it was when he first ran for President in 1952. He said: Do you know the definition of a statesman? The definition of a statesman, Mr. President, is a dead politician. That is why I much prefer being a politician, at least for the moment. I much prefer being a politician.

On this specific amendment, we hassled about this a long time. We had 6 years in mind. Should it be 3 and 3 or should it be 2 and back and 2 and back for a year and back? We finally accepted this compromise to try to make the workers temporary, that they would not get roots here and not return to their home country; that when we are working within the structure of the immigration laws, we have to accommodate the 12 million because we cannot deport them. We would like to identify those who are criminals, who are not contributing, who do not have roots and deport them, if we can identify them in numbers that we can handle.

Then there was the issue of trying hard to avoid the characterization of amnesty. Amnesty is a lot like Shakespeare's famous definition of a rose:

> That which we call a rose by any other name would smell as sweet.

If we could find more ways to make these 12 million people earn citizenship, we would. We have the fine. Maybe it is too high, maybe it is too low. We have back taxes. Maybe we can find that out and maybe we cannot. The requirement of English I think everybody agrees with. Having roots in this country, yes. Being a contributor to this country, yes. If we could shake the title of amnesty, we would like to do it, if somebody could tell us how to do it.

There are many people who are so opposed to what we are trying to do, they will call anything amnesty. I am not going to say it is not amnesty—although I believe it is not amnesty because they are earning their way—because if you get involved in name calling, it all disintegrates. People are angry at President Bush for saying it is not amnesty when they are sure it is amnesty.

I compliment the President for the leadership he has shown on this issue. He sent us Secretary of Commerce Gutierrez and Secretary of Homeland Security Chertoff. For hours, days, weeks, months they worked on it. There was a commitment by the administration.

The President has spoken out on this issue loudly, plainly, and clearly. He has taken a lot of brickbats for it, but he is working hard on it. On the Senate floor a few weeks ago, I made a comment that it was either amnesty or anarchy. Anarchy is what we have here; that is, if it is amnesty—and, again, I say I think it is not, but I am not going to get into a name-calling contest with people who want to call names.

Lou Dobbs of CNN has been one of the most vocal critics of the plan. He

has a right to do that, and I have been on his program and discussed it with him, debated it with him. But I was interested to see him comment about my characterization of anarchy. That struck a chord. Lou Dobbs doesn't like anarchy—nobody likes anarchy—but in a sense that is the choice we have.

So I urge my colleagues to vote against the amendment of the Senator from New Mexico, although I have great respect, and I know this is very thoughtful, very well presented, all except for his criticism of the politics of compromise.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I first thank my colleague and congratulate him for his leadership on this bill. I know he has worked long and hard to bring this bill to the floor and is making the best out of a very awkward, difficult situation in trying to get all the interested parties under the same tent.

I am reminded of when I was attorney general of my State of New Mexico. One of the duties of the attorney general in New Mexico is to issue what are called attorneys general opinions about different legal points that come up. Sometimes those opinions are followed by various State agencies and then they are challenged in court. I remember in one of the cases where it was challenged in our State supreme court, a friend of mine on the State supreme court, who was a very wise man, wrote an opinion essentially saying that the opinion I had issued, the attorney general opinion, was wrong. He said attorneys general opinions are entitled to great weight, except when they are wrong.

That is sort of the way I feel about the bill that has been brought to the floor. I have great respect for those who have put it together, and it is entitled to great weight and deference, except where it clearly is wrong. That is what we are trying to do with this amendment, is to correct an area of the bill that clearly is wrong. I hope my colleagues will see it the same way and support my amendment. But I compliment the Senator from Pennsylvania for his leadership on this important issue.

AMENDMENT NO. 1177

I wish to speak very briefly about another amendment, unless the Senator from Pennsylvania wishes to say something, and then I would defer to him. I gather he does not need to at this point.

Let me speak briefly about another amendment I have filed. It is amendment No. 1177. It provides forestry workers with Y visas some of the same rights to ensure that the terms of their guest worker contracts are honored the same way other guest workers in the agricultural sector can have their contracts honored.

This is an amendment that is eminently reasonable. It was adopted by unanimous consent during the debate as part of the immigration bill we passed out of the Senate in the last Congress. I hope we can get agreement from the managers of the legislation to include it this year as well. So I wished to briefly allude to that amendment and urge every consideration of it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1197

Mr. KENNEDY. Mr. President, I expect that Senator DEMINT will come to the floor to address his amendment, but in the next 5 minutes that we have before he does so, I would say his amendment is basically saying there will be no adjustment in status unless all these individuals are going to be able to buy into the high-deductible HSAs, health savings accounts, and that because of the fact that immigrants are a burden on the health care system, that they should be required to do this additional kind of work to meet their responsibilities under this legislation.

There are a couple factors I wish to mention. First of all, if you take the fact that you have 12 million of these individuals, the 12 million who are the undocumentable, they are going to, as part of their fine, pay $500 per individual. That comes to some $6 billion—$6 billion—that can go for support for various health care offsets into local communities. That is not an insignificant amount of resources. We anticipated this possibility, No. 1.

No. 2, we ought to make an examination of what happens to these undocumented individuals. What is the utilization by the undocumented? We know they are basically healthier, they are younger, and the various information and statistics we see says there is not an overutilization of the health services.

I have statistics for undocumented immigrants in one of the border States, this is in Texas, and I will read this and include the appropriate part in the RECORD. The Comptroller's office estimates the absence of the estimated 1.4 million undocumented immigrants in Texas would have been a loss to their gross State product of $17 billion. Also, the Comptroller's office estimates State revenues collected from undocumented immigrants exceed what the State spends on services, with the difference being $424 million. That is today, one State—Texas—in the utilization of services.

So we find this population where there has not been an overutilization of services, and we have provisions in the current legislation to deal with this problem and deal with it generously. But the Senator from South Carolina wants to insist on a high-deductible program.

Let us look at the average high-deductible program. The average annual deductible for a high-deductible plan required under the DeMint amendment is $1,900 for an individual and $4,000 for a family. The average annual premium for the plan: $2,700 for an individual and $7,900 for a family. The total average cost for an individual would be $4,600 and $11,000 for a family. That is for the average individual and family. This includes the fees and also the deductibility.

We have the various studies that have been done, the reports, and this information is from the Los Angeles Times. It points out that plans with high deductibles of $1,000 or higher monthly premiums that can be less than $100, as Senator DEMINT provides, are a good fit for healthy people with some financial resources. The median annual income of those using the high-deductible plans is $75,000. This is a fit for $75,000. Although the lower premiums make plans attractive, cash-strapped families run the risk of being unable to afford the deductibles.

Those are the facts. So the effect of the DeMint amendment is another way of denying the 12 million undocumented from being able to participate in the other provisions of the legislation, which we have very carefully crafted. They have to pay a high fine, they have to pay the State a set-aside, they are going to have to pay the fees as they move along. These are not insignificant. We are talking about thousands and thousands of dollars which have been worked out carefully and considered.

This kind of additional burden will say to men and women whose average income may be $10,000 or $11,000 that they are not going to be able to do it. Take those individual Americans who are making $10,000 and $11,000 and look at how many of them are able to afford health insurance. Virtually none. We know about that in Massachusetts because Massachusetts has passed a very effective program to bring those individuals in and to help and assist those individuals.

So the idea that we are going to put this in as a requirement is another way of saying to those individuals, look, we might like other provisions of the legislation, but this is a way of effectively barring you from being able to participate in this program. That undermines the object of a very important aspect of this whole endeavor. Therefore, I hope the amendment will be defeated.

As I understand from the Chair, the last several minutes are supposed to be for the Senator from South Carolina; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I don't see him in the Chamber. I think we ought to reserve that time for the Senator. As I understand, under the previous agreement,

we have agreed to vote at 2 p.m.; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to speak on my amendment that is up for a vote.

The ACTING PRESIDENT pro tempore. At the present time, all time has expired.

Mr. DEMINT. I ask unanimous consent that I have 2 minutes to speak on my amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I appreciate the opportunity to speak on this amendment. I think all of us would agree that we would like to design an immigration program that benefited America, that actually brightened the future for Americans, for our children, and that we do not want an immigration system that is going to invite people from all over the world who will come here and be a burden to the American taxpayers.

Unfortunately, the way this bill is written, the Z visas we offer all the illegal immigrants in this country do not require that these illegals have health insurance before they are given these legal passes. That means they will continue to be a heavy burden on the American health care system.

Senator KENNEDY has said the $500 one-time fee they have to pay is enough to cover these costs. I know every American wishes they could pay $500 and have free health insurance for life but, unfortunately, it is more expensive than that. Also, Senator KENNEDY has said these types of minimum policies cost well over $2,000 a year, which is, frankly, not true. Many of us have policies that cost less than $1,000 a year for a high-deductible policy, which is the minimum level we ask for.

The least we can ask of these immigrants we are granting permanent legal status in this country is not to be a burden on Americans for their health care. To have a minimum level of health insurance is the least we can ask. This amendment would require Z visa holders to have that minimum level, and I ask all of my colleagues to support it.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the DeMint amendment No. 1197.

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 55, as follows:

[Rollcall Vote No. 188 Leg.]

YEAS—43

Alexander	Crapo	Murkowski
Allard	DeMint	Nelson (NE)
Bennett	Dole	Roberts
Bond	Ensign	Sessions
Brownback	Enzi	Shelby
Bunning	Grassley	Smith
Burr	Gregg	Snowe
Byrd	Hatch	Stevens
Chambliss	Hutchison	Sununu
Coburn	Inhofe	Thune
Cochran	Isakson	Vitter
Coleman	Lott	Voinovich
Corker	Martinez	Warner
Cornyn	McCaskill	
Craig	McConnell	

NAYS—55

Akaka	Feinstein	Mikulski
Baucus	Graham	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Salazar
Carper	Kyl	Sanders
Casey	Landrieu	Schumer
Clinton	Lautenberg	Specter
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Dodd	Lieberman	Webb
Domenici	Lincoln	Whitehouse
Dorgan	Lugar	Wyden
Durbin	McCain	
Feingold	Menendez	

NOT VOTING—1

Johnson

The amendment (No. 1197) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote, and move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the Senator from New Mexico has an important amendment. He was over here yesterday afternoon and evening and spoke well about it. He came over here during the lunch hour. It is a very important amendment. He deserves to be heard.

AMENDMENT NO. 1267

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 2 minutes of debate equally divided on the Bingaman amendment No. 1267, as modified.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senator LANDRIEU be added as a cosponsor to amendment 1267.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, this amendment tries to eliminate the 2–1–2–1–2 provisions in this bill. The underlying bill says if a guest worker comes here, they can work for 2 years, they are kicked out for a year, they can come back, work for two more, they are kicked out for a year, they can come back work for two more, then they are kicked out for good.

What my amendment does is to say: Let's bring them here for 2 years, allow them to renew their visa twice, so that they would be here a maximum of 6 years. This makes a lot more sense for employers, for American workers who are competing for these jobs, for the guest workers themselves.

This has the support of the business community, the unions, the Catholic bishops. Everybody interested in this bill supports this. This is commonsense legislation. I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, earlier this afternoon the Senator from New Mexico criticized the bill as being the ''politics of compromise,'' as opposed to sound public policy. I told him, had he participated in the negotiations, he would have seen quintessential politics of compromise. You could not begin to make any progress at all on this legislation unless it was the politics of compromise. I suggest that is an art form frequently practiced in this body. I reminded the Senator from New Mexico of our cosponsorship of global warming. I am glad to hear there is nothing in the bill which he is the principal sponsor of that is a factor of the politics of compromise. I am glad our bill is pure.

I have not seen the bill, in the short time I have been in the Senate, that doesn't have compromise in it. If it did not have any compromise, it would not have gotten here. If it did get here, it would not be passed.

The principle of this bill is to make it temporary so people do not establish roots. If you dealt with Senator KYL on this matter, you would understand how important he is to this bill and how important this provision is to his continued support.

Mr. OBAMA. Mr. President, I come to the floor today to speak in favor of the Bingaman-Obama Y–1 guest worker amendment.

The Bingaman-Obama amendment removes the requirement that Y–1 visa holders under the new guest worker program leave the United States for at least 1 year before renewing their visas. Designing a worker program where people are supposed to come to the U.S. for 2 years, leave for a year, return for 2 years, leave for a year, and then return for 2 years is a recipe for creating a new undocumented population.

Our amendment does not modify the overall number of permissible work years, which would still be limited to a total of 6 years, and it doesn't change the term of the visa, which would still be 2 years. In order to renew their visa, applicants would still have to demonstrate that they are eligible to meet the requirements of the program. The amendment maintains the general structure of the program, but revises it in a manner that makes the program more workable.

We need to pass this amendment because the process in the underlying bill

is costly and burdensome on employers, especially small businesses. Requiring employers to rehire and retrain workers every 2 years imposes unnecessary costs and creates instability in the workforce.

The underlying language is also harmful to American workers. The 1-year absence requirement would ensure that guest workers are always at the lowest end of the pay scale, which would depress overall wages. And the system as now designed provides an additional incentive for guest workers to overstay the term of their visas. Rather than returning to their home countries after their 2-year visas expire, many workers will just remain in the United States and become undocumented immigrants.

In short, the temporary worker design in the bill is unworkable and difficult to enforce. It is unlikely that the government will be able to sufficiently track the entry and exit of these workers to ensure that they comply with the 1-year absence requirement. By removing the 1-year requirement to leave the country between renewals we would at least be making the program workable.

Our amendment has the support of a variety of labor, business, immigration, and religious groups. Specifically, the Service Employees Union International, SEIU, the National Association of Homebuilders, NAHB, the Associated Builders and Contractors, ABC, the U.S. Conference of Catholic Bishops, USCCB, the American Immigration Lawyers Association, AILA, U.S. Hispanic Chamber of Commerce, and the National Immigration Forum, NIF, have voiced their strong support of this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 1267.

Mr. BINGAMAN. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 189 Leg.]

YEAS—41

Akaka	Conrad	Leahy
Baucus	Dodd	Lieberman
Bayh	Durbin	Lincoln
Biden	Feingold	Menendez
Bingaman	Hagel	Mikulski
Boxer	Harkin	Murray
Brown	Hutchison	Nelson (FL)
Cantwell	Inouye	Obama
Cardin	Kerry	Pryor
Carper	Kohl	Reed
Casey	Landrieu	Reid
Coburn	Lautenberg	
Sanders	Shelby	Whitehouse
Schumer	Tester	Wyden

NAYS—57

Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Feinstein	Roberts
Bunning	Graham	Rockefeller
Burr	Grassley	Salazar
Byrd	Gregg	Sessions
Chambliss	Hatch	Smith
Clinton	Inhofe	Snowe
Cochran	Isakson	Specter
Coleman	Kennedy	Stabenow
Collins	Klobuchar	Stevens
Corker	Kyl	Sununu
Cornyn	Levin	Thune
Craig	Lott	Vitter
Crapo	Lugar	Voinovich
DeMint	Martinez	Warner
Dole	McCain	Webb

NOT VOTING—1

Johnson

The amendment (No. 1267), as modified, was rejected.

Mr. REID. Mr. 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 ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that the time until 6:45 p.m. today be for debate prior to a vote in relation to the following amendments; and that the time until then be equally divided and controlled between the two leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments covered in this agreement prior to the vote; that at 6:45 the Senate proceed to vote in relation to the amendments in the order listed; and that there be 2 minutes of debate equally divided prior to each vote, with the votes after the first being 10 minutes in duration; that if an amendment on this list is not pending, it is to be called up now. These amendments are Cornyn, No. 1250; Reid, No. 1331; Sessions, No. 1234; Menendez, No. 1194; Kyl, No. 1460; Lieberman, No. 1191; and that a half hour of the minority's time on these amendments be allocated to Senator SESSIONS, and another half hour allocated to Senator CORNYN.

The ACTING PRESIDENT pro tempore. Is there objection to the unanimous consent request?

Mr. STEVENS. Mr. President, reserving the right to object, is this an exclusive list?

Mr. REID. No.

Mr. STEVENS. No objection.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DORGAN. Mr. President, reserving the right to object, and I shall not object, I wish to inquire of the majority leader: I have an amendment that is a change in the amendment by which we proposed to sunset the guest worker provision. That amendment failed by one vote. I have made a modification to that amendment and would intend to reoffer the amendment and have another debate on it and a vote on that amendment. I wonder if I could inquire of the Senator——

Mr. REID. Mr. President, I say to my friend, at this time tentatively there are three Democratic amendments pending. There are no Republican amendments to match those. When we finish this tranche of votes, we are going to try to complete tonight at least these six more. I understand the Senator has or will refile his amendment, and we will be happy to take that into consideration as we try to move this bill along.

Mr. DORGAN. Mr. President, I have no objection.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. Mr. President, reserving the right to object, could the leader tell us when amendments can be called up which were not on the list he just read, that have not been allowed to be called up today?

Mr. REID. We are working on that now. We are making progress. There are going to be three called up as soon as we get this vote started. That will be the next agreement we will enter into, and there will be three Republican amendments. So if you have something you care about, work with your colleagues over there to see if that can be one of the next three.

Mr. THUNE. Mr. President, I thank the Senator.

The ACTING PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

AMENDMENTS NOS. 1331 AND 1460 TO AMENDMENT NO. 1150

The ACTING PRESIDENT pro tempore. The clerk will report two amendments.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 1331 to amendment No. 1150.

The amendment is as follows:

(Purpose: To clarify the application of the earned income tax credit)

At the end of subtitle F of title VII, add the following:

SEC. _____. EARNED INCOME TAX CREDIT.

Nothing is this Act, or the amendments made by this Act, may be construed to modify any provision of the Internal Revenue Code of 1986 which prohibits illegal aliens from qualifying for the earned income tax credit under section 32 of such Code.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. KYL, for himself and Mr. SPECTER, proposes an amendment numbered 1460 to amendment No. 1150.

The amendment is as follows:

(Purpose: To modify the allocation of visas with respect to the backlog of family-based visa petitions)

Beginning on page 270, strike lines 31 and 32, and insert the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be

expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABLITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—''.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask unanimous consent to speak as in morning business and the time to be charged to the majority side.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

The Senator from Virginia is recognized.

AMENDMENT NO. 1313

Mr. WEBB. Mr. President, I wish to discuss amendment No. 1313, an amendment I will offer to the immigration reform bill, which will address what I believe are two important, crucial flaws in this legislation. The first flaw relates to what many are calling amnesty, wherein the bill legalizes almost everyone who entered this country by the beginning of this year. The second flaw relates to an unworkable set of procedures that is applicable to those who are properly being offered legal status. It is important to the health and practicality of our system, in my view, that these two flaws be addressed.

My amendment would achieve three critically important goals. It creates a fair and workable path to legalization for those who have truly put roots down in America; it protects the legitimate interests of all working Americans; and it accords honor and dignity to the concept of true American justice. If one accepts the premises of these three goals, then I strongly believe this amendment is the best way forward for our country.

As a general matter, I agree with my colleagues that the time has come for fair and balanced reform of our broken immigration system. When I say ''fairness,'' I mean a system of laws that is fair to everyone in the United States, and especially our wage earners.

I strongly support the provisions in this immigration bill that strengthen our Nation's borders. Our porous borders are a threat to our national security, and we have wasted far too long to fix this problem.

I also support the sections of the bill that create tough civil and criminal penalties for employers who unfairly hire illegal immigrants, creating both a second-class population and undercutting American workers. This bill's employment verification system will help ensure that illegal workers cannot get employment in the United States and would, therefore, face no choice but to return to their homelands.

As a point of reference, I did not support this bill's creation of a massive new temporary worker program. Two weeks ago, I supported Senator DORGAN's two amendments to strike and sunset that program, and I find it regrettable the Senate did not adopt those amendments. We have seen a good bit of analysis on the Senate floor in recent days to the effect that the temporary worker program will be largely unworkable. To the extent it would work, it would create a wage-based underclass and a bureaucratic nightmare. Furthermore, as I stated on the floor 2 weeks ago, I believe guest worker programs—aside from purely temporary, seasonal work—drive down the wages of hard-working Americans, and of those who came here by following the law.

With those points in mind, I wish to now turn to my amendment, which regards the other major component of this bill: the legalization program.

My amendment reflects a proposal I have been discussing with Virginians ever since I began my campaign for the Senate last year. I have always supported tough border security and cracking down on large employers who hire illegal workers. I also have always supported a path to legalization for those who came here during a time of extremely lax immigration laws but who have laid down strong roots in our communities. I do not, however, favor this path to citizenship for all undocumented persons. Under the provisions of the immigration bill we are now debating, virtually all undocumented persons living in the United States would be eligible to legalize their status and ultimately become citizens. Estimates are that this number totals 12 million to 20 million people. This is legislative overkill. It is one of the reasons this bill has aroused the passions of ordinary Americans who have no opposition to reasonable immigration policies but who see this as an issue that goes against the grain of true fairness, which is the very foundation of our society.

My amendment would allow a smaller percentage of undocumented persons to remain in the United States and legalize their status based on the depth of a person's roots in their community. Under my proposal, undocumented persons who have lived in the United States at least 4 years prior to the enactment of the bill could apply to legalize their status. I note that this 4-year period is even more generous than the 5-year threshold that was contained in several bills the past few Congresses addressed—bills that were supported by Senators from both parties and by immigrants' rights groups.

After receiving the application, the Department of Homeland Security would evaluate a list of objective, measurable criteria to determine whether the applicant should receive a Z visa and thus be allowed to get on the path to citizenship.

Among the statutory criteria would be an individual's work history; payment of Federal or State income taxes; property ownership and business ownership in the United States; knowledge of English; attendance, successfully, at American schools; immediate family members living in the United States; whether the applicant has a criminal record; and, very importantly, whether the applicant wants to become an American citizen.

Like the underlying bill, applicants would be given probationary status while the DHS considers their Z visa application and could lawfully work during this probationary period.

I believe these provisions are fair to our immigrant population, and also that they will help us avoid the mistakes this Congress made in 1986 with the Simpson-Mazzoli amnesty bill, which resulted in a tidal wave of illegal immigration.

My amendment would also make the underlying bill more practical. It strikes the bill's unrealistic ''touch-back'' requirement. Few immigrants would have the money or the ability to return to their home countries on other continents. Most of these persons would lose their American jobs. They would leave their families in turmoil and place further strain on our community services. Basic fairness and common sense dictates that these persons be allowed to apply for a green card from within the United States.

I believe my amendment sets forth an equitable system that not only recognizes the contributions of immigrants to our society but also introduces practical measures that will help us avoid the same mistakes our country made in 1986 with the Simpson-Mazzoli amnesty bill.

I have heard loudly and clearly from Virginians, and I have talked with people on all sides of these issues. What I hear over and over again is that Congress should find a fair system that both protects American workers and respects the rule of law. This amendment represents the fairest method I know to do so, and to do so realistically.

I ask my colleagues to support amendment No. 1313 when it comes to a vote in the Senate.

With that, Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, will the Senator yield for a question?

Mr. WEBB. Mr. President, I gladly yield to my colleague.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was listening to the description of the amendment by Senator WEBB. I think

it is a good amendment, and I intend to be prepared to support it. This amendment is about the treatment of those who have come here without legal authorization. The underlying bill, by the way, was cobbled together by a group of people, including the White House, I guess, and they said anybody who shows up in this country without legal authorization by December 31 is deemed to then have been legal and will be given a work permit.

I think Senator WEBB's approach is much more sensitive and much more realistic to our people who have been here 10, 15, 20 years without legal authorization but they have been model citizens, they raised families, have had jobs, have done things that would commend them to us for the future. He is suggesting a much more sensible way of dealing with that. I think that amendment makes a lot of sense.

I did want to say we had a vote on the guest worker or temporary worker provisions, and I offered an amendment, or 2 amendments, and the second amendment was to sunset that after 5 years. I lost that vote by one vote in the Senate, and I have filed an amendment at the desk and will attempt to have another vote on that. I have modified section 2 just a bit. But my hope is that the Senate would reconsider and pass the amendment that would sunset this temporary worker provision after 5 years. Again, the vote was 49 to 48 against my amendment, and we will have another opportunity to vote on it.

The reason I mention it is the Senator from Virginia mentioned that amendment and the other amendment I offered as well. I ask the Senator from Virginia if he doesn't think this piece of legislation, in addition to legalizing those who have come here as of December 31st of last year, saying you now have legal status—in addition to that—saying we believe there are millions of people who don't live here at this point whom we want to be able to invite in to take American jobs—I ask the Senator from Virginia whether that makes much sense in the scheme of trying to create economic opportunity for Americans at the lower economic scale in this country. There are a lot of people working at the bottom of the ladder here who want jobs, who can't find jobs, and find downward pressure on their income. I ask whether the Senator doesn't believe this temporary worker program displaces people in this country who need these jobs.

Mr. WEBB. Mr. President, I say to the Senator from North Dakota I was very pleased to support both his amendments for those reasons and reasons similar to them. I hope the Senator can get a vote on his revised amendment. I think it is important we deal with this immigration issue in a very realistic and practical manner, with the focus being the well-being of individuals who are here legally and who are citizens whose wages and salaries are in many ways being held down by these types of programs. The guest worker programs are classic examples of that.

I also would like to say that with respect to the timeline in the present bill and the cutoff for full legalization being anyone who came here before December 31 of last year, or before January 1 of this year, one of the questions that has been raised on my amendment is: Well, what do we do with these people who haven't been here 4 years? Some questions have been raised saying this would create an unfairness in this amendment. But the answer to that—the obvious answer to that is: What do we do with people who came here after December 31? They are here. What are we going to do with the people who are here next year? They are going to be here.

There is always going to be some leakage in our system. What we are looking for is a measure of fairness for people who have truly put down roots in their community and to allow them to assimilate and become American citizens. That is a separate thing from the guest worker program that the Senator from North Dakota is talking about, and I hope I get another chance to vote for his amendment.

Mr. DORGAN. Mr. President, if the Senator would yield further for a question, there are some in this Chamber who say to us: The choice on immigration is between doing the wrong thing and doing nothing. That is not the choice at all. That is a false choice. They bring the wrong thing to the floor of the Senate and say: If you oppose this, then you are for nothing.

One of the things we are for is enforcing the law. We have a law in this country about employer sanctions, about illegal immigration, trying to stop it. All one would have to do would be to enforce the law. In 2004, there were four cases in the entire United States of America that were brought by the U.S. Justice Department against employers who were employing illegal workers, illegal aliens—four. What does that tell us? That tells us that the administration says: We surrender on the issue. We surrender.

The other point I wished to make is there is no discussion on the floor of the Senate in the construct of this bill, within the debate on this bill, about the American worker. I understand we have an immigration issue. I fully understand that, and we need to deal with that. But part and parcel of that, in my judgment, ought to be some discussion on the floor of the Senate about how this affects the American worker. We have a lot of workers in this country who aren't doing very well. It has been a long time since they have seen any increase in their income, despite their productivity rising. Where is the debate about the impact on the American worker? It is not selfish for us to believe that ought to be a part of this discussion.

So I ask the Senator from Virginia whether he believes as well that when you bring an immigration bill to the floor, you ought to have some discussion about what is the impact of this issue on the American worker, on the people who have a high school education or perhaps don't even have a high school education and who are at the bottom of the ladder, got up this morning and went to work and are working at minimum wage, struggling to get by to raise a family to do the best they can and discover at the end of the day: Oh, by the way, there is more downward pressure on your income because the employer can bring somebody through the back door that is able to be paid lower wages, they will work for less money, even as the bigger employers are exporting jobs out the front door to China and Sri Lanka and Bangladesh.

So I ask whether the American worker shouldn't play a bigger role in the debate on the floor of the Senate.

Mr. WEBB. Mr. President, I would say that an enormous amount of work has gone into this piece of legislation, as we all know. I appreciate all the energy that the Senator from North Dakota has placed for years on the interests of the American worker. I share those interests. This amendment that I offer is based on two things. One is fairness to everyone, including the American worker, and the other is the practicality that is this particular part of the legislation.

Mr. DORGAN. I thank my colleague.

Mr. WEBB. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

AMENDMENT NO. 1250

Mr. CORNYN. Mr. President, I have an amendment that is scheduled for a vote later on this evening, and I would like to spend a few minutes explaining it. This is—well, let me put it this way: If the definition of insanity is doing the same thing over and over and over again and expecting a different outcome, the provisions in the underlying bill that my amendment will correct represents insanity in action because it repeats a mistake made in the 1986 immigration laws that is within our power to correct. I believe the amendment I am offering will allow that correction to take place, and I offer it in that spirit.

At the very least, the American people expect we will not intentionally repeat mistakes. They don't expect us to be perfect. They do expect us to do our best, and we owe them that much. But in this case, doing our best means not repeating a mistake.

Quite simply, the Department of Homeland Security is, under the current bill, prohibited from using internally all information from Z visa applications, as well as sharing information with the relevant law enforcement agencies. That is right. You can actually apply for a Z visa if you are 1 of the 12 million or so people here in the

country already in violation of our immigration laws, whether it is entering without a visa or once having entered with a visa, overstaying that visa, and if you are seeking the benefits of this underlying bill which are mainly represented in the form of a Z visa, the information contained in that application by those 12 million individuals is effectively shielded from law enforcement authorities. For example, if an applicant comes forward and is denied a Z visa, this legislation currently pending prohibits the Immigration and Customs Enforcement Service from using that information in order to apprehend that person who is not legally present in the country.

What we learned about the 1986 amnesty was that the New York Times said it created the largest immigration fraud in the history of the United States. That same view is shared by the general counsel of the Immigration and Naturalization Service under President Clinton with regard to statutory restrictions on sharing and using information. That general counsel, Paul Virtue, noted that this prohibition greatly contributed to this fraud.

At this point, I ask unanimous consent that the New York Times article be printed in the Recored and I refer my colleagues to the testimony of Paul Virtue before the House Immigration and Claims Subcommittee of the House Judiciary Committee at judiciary house.gov/judiciary/106–52.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. In addition to questions of why we would want to put out of bounds to law enforcement agencies information which they could use to investigate and identify fraud and criminal conduct, you might ask: Why the double standard? For example, we don't afford these kinds of robust confidentiality provisions for other classes of immigrants such as asylees or battered women or those who fall under the temporary protected status provisions. So why would we have a double standard? When an asylum seeker applies for legal status, that asylum seeker must submit an application and return at a later date for the decision. If that asylum seeker's application is denied, then he or she is taken into custody on the spot, based on information contained in the application.

Now, the proponents of this bill will tell us that without these guarantees of confidentiality, those who are already here in the country in violation of our immigration laws will not come forward and seek the benefits of the Z visa provided for under the bill, which leads me to ask: Aren't we granting the biggest benefit that can ever be given to anybody in the world—legal status and a path to American citizenship—even though these individuals have violated our laws?

And to be clear, we are talking about those who cannot even establish that they meet the minimum requirements to get this valuable benefit. Even worse, they have continually flouted our immigration and criminal laws. Why would we consciously give these individuals broad privacy protections by the mere filing of their application for Z status, and why would they be treated differently from other immigrants?

The proponents say they do exempt from confidentiality those who commit fraud or are a part of some other scheme in connection with their application. Of course, that is the very least we should do. But this bill does not go nearly far enough to effectively enforce our immigration laws and protect the American people from those who could and would and might do us harm.

For example, on page 311 of the bill, in section 604(b) labeled ''Exceptions to Confidentiality,'' the drafters of this bill have chosen to protect aliens who are criminal absconders who have not been removed from the United States; that is, people who are under orders of deportation but who have not yet been removed. This is, in fact, a felony offense under 8 U.S.C. 1253, which is punishable for up to 4 years in prison. Yet the underlying bill would provide confidentiality for that individual.

We all know that hundreds of thousands of individuals come across our borders each year in violation of our immigration laws. But what most Americans would be shocked to realize is that, according to recent estimates, almost 700,000 aliens who have immigrated illegally or overstayed who have been ordered deported have simply failed to comply with that court order. How many Americans think that it is OK to ignore a court order? How many Americans, after receiving a subpoena from a court, ignore it and simply skip that court date?

Let me give two examples of what I am talking about. In section 604(b), the drafters claim they allow law enforcement to go after information for those denied Z status because of felonies and serious criminal offenses, but what is missing are those aliens who have actually committed those felony offenses but who have not yet been actually convicted. In section 604, the drafters further claim they resolve the problem by allowing law enforcement access to those who commit fraud or misrepresentations in their Z applications. But again, what is missing is law enforcement's ability to reach third-party fraud: Where the alien, him or herself may not be complicit but to prosecute the third party, the Government needs the information from the Z application filed by such individuals in order to make the case. Simply stated and summarized, fraud by third parties involved in a Z application; crimes that have not yet resulted in a conviction; absconders—people who have ignored a valid court order and who have yet to be physically removed—as well as those Z visa applicants who are denied on noncriminal grounds, all of those categories of information are rendered confidential and kept from law enforcement authorities when it comes to investigating crime and other wrongful conduct.

As I said earlier today, in fact, if we were more interested in regaining the public's confidence that we were actually serious about passing an immigration law that could be and would be vigorously enforced, I don't think I would be up here offering this amendment because it would be agreed to without the necessity of a vote. But strangely, to me, this commonsense sort of amendment is being resisted. In a way, it helps merely confirm what most people across the country—particularly in my State—seem to suspect, which is that Congress cannot be trusted and is not serious about creating an immigration law system that can be adequately enforced.

As my colleagues know, I offered a separate amendment that would categorically bar fugitive aliens from receiving the benefits under this bill. I believe this is an issue of fundamental fairness and integrity of the system. In exchange for what has been offered to this population, which is the largest legalization program in our Nation's history, we should be able to say that for any person who applies for and receives benefits under this program, we will authorize the Immigration and Customs Enforcement Service to look at that application and to, if necessary, if warranted under law, arrest that individual who made that application and deport them, in accordance with our laws that Congress has already passed.

But the bill the Senate is considering today turns a blind eye to those who apply for the benefits under this bill and are denied. This bill would allow them simply to slide back into the shadows—the precise problem we are being told we are trying to fix.

I daresay if you ask a random taxpayer on the street this simple question: Assume an alien comes forward to apply for legal status under this bill. Because the applicant doesn't satisfy one of the criteria for being awarded legal status, the applicant is denied benefits under the bill. What happens to that individual under the Senate immigration bill? If you were to ask that question to a man or woman on the street, I bet you that 100 out of 100 times people would say: Well, they ought to go home, they ought not to be granted benefits under the bill. Certainly, they would say you ought not to hide evidence of fraud or criminality or wrongdoing that could be investigated and prosecuted.

Yet the so-called confidentiality provisions my amendment addresses, under the current bill, would prevent law enforcement officials from using information on the application to locate and remove a significant population of those who don't qualify for legalization but have applied for it.

To be clear, this is for individuals who have actually applied for a Z visa, or benefits under the program, and

have been denied, not those whose Z visa status has been granted.

This is, in essence, providing an opportunity—to significant categories of individuals whose applications are considered and rejected—to slide back into the shadows, which is the very problem we are told this solution is designed to solve.

The whole point of this exercise, we continue to be told, is to enhance U.S. security by bringing people out of the shadows. But this bill would draw people out, only to allow them to slide back in if they demonstrate they are disqualified for the benefits under the bill—the very people we ought to be focusing on and having deported in accordance with our laws.

I remind my colleagues of our Nation's recent history with mass legalization and the consequences of prohibitions on Federal agencies sharing information.

As I have stated, reasonable observers have concluded that the 1986 amnesty was rife with fraud. That is the conclusion of the New York Times in the article that will be part of this record, dated November 12, 1989. The title is ''Migrants' False Claims: Fraud on a Huge Scale.''

We also note, for example, from the 9/11 Commission staff statements, that Mohamed and Mahmud Abouhalima, conspirators in the 1993 World Trade Center bombing, were granted green cards, or legal permanent resident status, under the Special Agricultural Workers Program, which was an amnesty program created by the 1986 bill.

Under this Special Agricultural Workers Program, a key component of the 1986 amnesty, these applicants had to provide evidence they had worked on perishable crops for at least 90 days between May 1, 1985, and May 1, 1986; their residence did not have to be ''continuous'' or ''unlawful.'' Nearly 1 million illegal aliens received legal permanent resident status under this amnesty—''twice the number of foreigners normally employed in agriculture'' at that time, according to the 9/11 Commission staff statements.

In other words, the inference is inescapable that there was fraud on a huge scale, based on the very kind of confidentiality provisions this bill includes and which my amendment would remove.

I wish to make one other point about this ill-conceived confidentiality provision. Under this bill we are considering, Congress would even prohibit the use of information from sworn third-party affidavits that are one of the documents that can prove eligibility. Who could not, with a little bit of creativity and initiative, get some third party to provide an affidavit that says: Yes, you were present on June 1, 2007; thus, you are eligible for the benefits under this program.

If you designed a program to welcome and invite and embrace fraud more, I cannot imagine what it would be. Yet that very same sort of affidavit could be rendered confidential and could not be shared with law enforcement personnel, unless my amendment is passed.

We already know from well-documented prosecutions of document vendors and other legalization cases that the type of documents submitted—especially sworn affidavits from third parties, not even relatives—no qualification, just third parties—have been used routinely to further fraud.

At the very least, we should not repeat the mistakes of 1986 by allowing the continued use of sworn affidavits by applicants to establish eligibility for the Z visa. My amendment takes care of these concerns.

We know one thing: Criminals and terrorists have abused—and will continue to seek ways to abuse—our immigration system in order to enter and remain in this country.

I regret this bill we are debating fails to give law enforcement the commonsense tools they need in order to prevent terrorists and others from exploiting the vulnerabilities inherent in any massive legalization.

My colleagues may tell you there is a confidentiality exception for national security and for fraud. But to rely solely on these exceptions is simply wishful thinking; it is not going to happen. It doesn't go nearly far enough to reach the kinds of fraud and criminal conduct and other wrongful conduct I have mentioned.

This kind of information law enforcement needs may provide valuable leads of which they were previously unaware. Failure to allow law enforcement to connect the dots is a deadly mistake I have heard my colleagues promise they would ''never allow to happen again.'' So I urge those who are truly serious about the commitment to make sure this kind of fraud and the danger associated with it doesn't ever happen again to support my amendment and make a crucial improvement to this legislation.

I yield the floor and reserve the remainder of my time.

EXHIBIT 1

[From the New York Times, Nov. 12, 1989]

MIGRANTS' FALSE CLAIMS: FRAUD ON A HUGE SCALE

(By Roberto Suro)

In one of the most extensive immigration frauds ever perpetrated against the United States Government, thousands of people who falsified amnesty applications will begin to acquire permanent resident status next month under the 1986 immigration law.

More than 1.3 million illegal aliens applied to become legal immigrants under a one-time amnesty for farm workers. The program was expected to accommodate only 250,000 aliens when Congress enacted it as a politically critical part of a sweeping package of changes in immigration law.

Now a variety of estimates by Federal officials and immigration experts place the number of fraudulent applications at somewhere between 250,000 and 650,000.

LACK OF MANPOWER AND MONEY

The Immigration and Naturalization Service has identified 398,000 cases of possible fraud in the program, but the agency admits that it lacks both the manpower and the money to prosecute individual applicants. The agency is to begin issuing permanent resident status to amnesty applicants on Dec. 1, and officials said they were approving 94 percent of the applicants over all.

Evidence of vast abuse of the farm worker amnesty program has already led to important changes in the way immigration policies are conceived in Congress. For example, recent legislation to aid immigration by refugees from the Soviet Union was modified specifically to avoid the uncontrolled influx that has occurred under the agricultural amnesty program.

Supporters of the farm worker amnesty argue that it accomplished its principal aim of insuring the nation a cheap, reliable and legal supply of farm workers and that it made an inadvertent but important contribution in legitimizing a large part of the nation's illegal alien population. #1,000 Workers, 30 Acres Critics point to cases like that of Larry and Sharon Marval of Newark. Last year they pleaded guilty to immigration fraud charges after immigration service investigators alleged that the Marvals were part of an operation that helped about 1,000 aliens acquire amnesty with falsified documents showing they had all worked on a mere 30 acres of farmland.

The amnesty for farm workers was a last-minute addition to the Immigration Reform and Control Act of 1986, which sought to halt illegal immigration with a two-part strategy. Under a general amnesty, illegal aliens who could prove they had lived in the United States since before Jan. 1, 1982, were given the chance to leave their underground existence and begin a process leading to permanent resident status. And to stem further illegal immigration, the employment of illegal aliens was made a crime.

The agricultural amnesty program was adopted at the insistence of politically powerful fruit and vegetable growers in California and Texas who wanted to protect their labor force. In several respects, the provisions for the program were much less strict than the general amnesty program, which drew 1.7 million applicants. Instead of having to document nearly five years of continuous residence, most agricultural worker applicants had to show only that they had done 90 days of farm work between May 1, 1985, and May 1, 1986.

Representative Charles E. Schumer, a Brooklyn Democrat who was an author of this Special Agricultural Worker provision, said that in retrospect the program seemed ''too open'' and susceptible to fraud. But he argued that budget decisions had made the battle to combat fraud more difficult.

''There has not been enough diligence in tracking down the fraud,'' he said, ''because funding for the I.N.S. has been cut by the White House in each of the last three budgets, even though everyone agreed when the bill passed that greater I.N.S. manpower was essential to make it work.''

Congress rarely raises the immigration service budget above Administration requests.

Aside from its budget problems, the immigration service has repeatedly come under fire this year in Congress and in an audit by the Justice Department for what was termed mismanagement and administrative inefficiency.

John F. Shaw, Assistant Immigration Commissioner, agreed that ''manpower restrictions'' at the agency were a major factor in the fraud in the agricultural amnesty program. He said much of the fraud ''shot through a window of opportunity'' when the agency was frantically trying to deal with many new burdens of the 1986 immigration law.

PEOPLE WHO SOLD FALSE DOCUMENTS

Mr. Shaw said law-enforcement efforts had been limited to the people who sold false documents to applicants for the farm worker amnesty. The immigration service has made 844 arrests and won 413 convictions in cases alleging fraud in the amnesty program. The people involved ranged from notaries public to field crew leaders. ''It was a cottage industry,'' Mr. Shaw said.

The immigration service can revoke legal status if it finds the applicant committed fraud, but even this effort is limited. Only applications that appear linked to a fraud conspiracy are held for review, as when an unusually large number of applicants assert that they have worked in the same place. Some 398,000 aliens have fallen into this category since the application period ended last Nov. 30, but it is likely that many of them will get resident status.

Mr. Shaw said the fraud conspiracies often involved farms that actually did employ some migrant labor. So it is frequently impossible to separate legitimate from illicit claims.

Given the limited law-enforcement effort, no precise count of fraud in the agricultural amnesty program is possible. But some rough estimates are possible based on information from the aliens themselves. An extensive survey conducted in three rural Mexican communities by the Center for U.S.-Mexican Studies at the University of California in San Diego found that only 72 percent of those who identified themselves as applicants for farm worker amnesty had work histories that qualified them for the program. A similar survey conducted by Mexican researchers in Jalisco in central Mexico found that only 59 percent qualified.

But fraud alone does not explain why the program produced more than five times the applicants Congress expected. Frank D. Bean, co-director of the Program for Research on Immigration Policy at the Urban Institute in Washington, said the miscalculation in the Special Agricultural Worker program reflected longstanding difficulties in tracking the number of temporary illegal migrants from Mexico.

''It is at least plausible that a very large percentage of the S.A.W. applicants had done agricultural work in the U.S. even if they did not meet the specific time requirements of the amnesty,'' Mr. Bean said. 'It Was a Weak Program'.

Mr. Shaw of the immigration service, and other critics of the law, believe there were more fundamental flaws. ''It was a weak program and it was poorly articulated in the law,'' he said.

Unlike almost all other immigration programs, which put the burden of proof on the applicant, the farm amnesty put the burden on the Government. Consequently, aliens with even the most rudimentary documentation cannot be rejected unless the Government can prove their claims are false.

Stephen Rosenbaum, staff attorney for California Rural Legal Assistance, a nonprofit service organization for farm workers, argued that there was no other way to structure an immigration program for an occupation ''that does not produce a paper trail.'' He noted that farm workers are paid in cash and neither the employers nor the workers keep detailed records. 'Immense Logistical Problems.'

''You can argue the wisdom of a farm worker amnesty, but if you have one, you have to recognize the immense logistical problems involved in producing evidence,'' he said.

The immigration service at first tried to apply the stringent practices common to other immigration programs, like rejecting applicants with little explanation when their documents were suspect. But three lawsuits brought in Florida, Texas and California over the last two years forced the agency to follow the broader standards mandated by Congress.

The burden-of-proof issue arose again earlier this year when the House of Representatives approved legislation that would have made any person who could prove Soviet citizenship eligible for political refugee status.

A legislator with a powerful role on immigration policy, Senator Alan K. Simpson, Republican of Wyoming, eliminated the provision because of concerns raised by the farm worker amnesty program, an aide said. Mr. Simpson, who is on the Senate Judiciary Subcommittee on Immigration and Refugee Affairs, substituted a series of specific circumstances that had to be met for a Soviet citizen to be considered a refugee, like denial of a particular job because of religious beliefs.

Immigration experts believe that the agricultural amnesty program will probably color policy debates over other categories of aliens whose qualifications will be difficult to document, like the anti-Sandinista rebels of Nicaragua.

''One certain product'' of the agricultural amnesty program, Representative Schumer said, ''is that in developing immigration policies in the future, Congress will be much more wary of the potential for fraud and will do more to stop it.''

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina is recognized.

(The remarks of Mr. DEMINT pertaining to the submission of S. Con. Res. 35 are located in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. Who yields time? The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, so I understand, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 hour 42 minutes remaining.

Mr. KENNEDY. I yield such time as I might use.

On the Cornyn amendment, the issue is basically confidentiality. Why is confidentiality important? What we are trying to do with this proposal is to say to the 12.5 million who are living here, the undocumented as well as those in agricultural jobs: Come out of the shadows, and if you are going to meet the other requirements of the bill—paying fines, go to the end of the line, demonstrate solid work achievement and accomplishment—you will eventually be able to get in line after the backlog is completed for a green card and citizenship. We are saying to the individuals: If you are undocumented today, we want you to register.

There is a question with regard to people who are undocumented today. If I go down and say my name is—maybe an undocumented Irish person, say his name is Halloran, and he goes in and says: I am Halloran and live on Linden Street. I am undocumented, my wife is undocumented, and my children are undocumented. We want these people to come out of the shadows and register to begin this process, right? Right. We have to make sure those people are going to have a certain amount of confidentiality, that they are not thinking they are just going to sign in and register and report to be deported. That is what the Cornyn amendment effectively does, is report to deport because he eliminates all kinds of protections of confidentiality.

We provide levels of protection of confidentiality for individuals, but not if they have been involved in any criminal activity and any fraudulent activity.

The Senator from Texas mentions the 1986 act. He has been mentioning the 1986 act time and time again. I responded that President Reagan signed that act. Republicans were in charge at that time, and they administered that act from 1986 to 1992. I voted against that legislation for many of the reasons that have been outlined. That is a different time.

If they want to talk about what President Reagan and what the Republicans did at that time, they can be my guest. But the fact is, as we do know, there were incidents where fraud was committed during that program in the submission of various agricultural documents, and fraud was committed. That is all outlined in a 1988 report which has been quoted here. But that has been the document. We have not seen other documents about similar kinds of fraudulent activities.

As a result, what did we do with this legislation? We did a number of things because of what happened in 1986.

We provide additional protections and requirements in these areas of identification. We provide a number of protections in this legislation, and I will include those at the conclusion of my statement.

Secondly, we have included in this legislation that if the DHS believes fraud has been committed, they can move ahead and deport. Do my colleagues understand? If the Department of Homeland Security thinks fraud has been committed by these individuals, they can move ahead and deport. That has been included. We have also included random audits of these various programs.

The point that has been made that in 1986 there were irregularities we accept and agree. The fact that the 1986 act was not well managed, we agree. Was there fraud in a number of these affidavits? We say, yes, and that is why we took action in this legislation to address it. And I will include those particular citations.

I will run through these points very quickly. If the applicant is inadmissible for criminal reasons or an alien smuggler, that information is turned over to the local law enforcement and police. If there has been a conviction of a crime, criminal activity, smuggling, marriage fraud, all of that information is turned over to the police. If there is any indication of any kind of intelligence activity, it is turned over to the Department of Homeland Security.

We have written into this legislation protections so we are not going to have abuses of confidentiality. But—but, Mr. President—when we are talking about other kinds of activities—for example, if they fail the English test, or because there is a certain amount of work requirement time, there is an issue as to whether they completed the work requirement, we protect their confidentiality. If they fail the English test, we protect their confidentiality. If there is a technical registration issue, we protect their confidentiality.

This is enormously important because if we do not protect their confidentiality, they are not going to register. It is as clear and simple as that.

This represents a very careful balance that was worked out. I respect the Senator from Texas on this issue, but it is important that we have guarantees for individuals if we expect them to register as this system is being set up because it is going to transition. We know parts of this system are not going to go into effect until we have border security, and if we expect individuals to participate in that system, we have to guarantee their confidentiality. We do so. It is enormously important. This system isn't going to function unless we do.

If the Cornyn amendment is adopted, the bottom line is this system will not function, and it will not work because as individuals in this community are wondering whether they ought to sign up for this system, by and large they are going to check with perhaps their local parish, maybe their local priest, maybe a nonprofit organization, social service organizations, community organizations in which they have confidence and trust, and those individuals are going to know whether there is confidentiality or not. Those individuals upon whom they rely in the local community, extended members of their family, nonprofit organizations, church organizations, unless they are able to give the assurance to these individuals that their confidentiality is going to be protected, we are not going to have people involved, and we are not going to have success with this legislation.

As I mentioned, in the incidence of fraud, we have addressed those extensively with provisions in the legislation. If there are incidents of fraud, criminal activity, terrorist activity, any of the other kinds of issues that involve criminality, of course, that protection is effectively out the window. We provide confidentiality, but limited in a very important way. It is enormously important to the success of the program.

Mr. President, I anticipate that we are going to have presentations by my friend and colleague from Alabama sometime with regard to the earned-income tax credit. I have comments in response to that amendment. I know there will be an alternative amendment that will be offered in that area. I will address the Senate when we have that particular proposal.

Eventually, we are going to have the Lieberman amendment, which is a very thoughtful amendment. We will have opportunity to address it at that time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. 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. SALAZAR. Mr. President, I ask that the time during the quorum call be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. 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. ALEXANDER. Mr. President, I appreciate the tremendous effort that has been made on both sides of the aisle to try to address the immigration dilemma facing our country. In my view, other than the war in Iraq, the war on terror, there is nothing more important before us, and we should leave the bill on this floor for as long as it takes to get it right because as difficult as it is to get it right, it seems to me that failure is not an option. If we fail, then what we have done is admitted that we have just simply allowed a situation to continue where perhaps a million new illegal persons will come into our country each year. That contravenes the rule of law upon which this country is founded, it works against our ability to be a country that lives by the motto that is engraved up there on the wall, ''one from many,'' to assimilate into our country the number of people who are coming, and it is a poor example for the rest of the world when we suggest to them that they create governments that rely upon the rule of law. It also absolutely enrages the American citizens, who look at Washington and say that the Government has done a horrible job for the last 10, 15, 20 years in enforcing our immigration laws. Americans have, in many cases, lost faith that we even have the ability to fix the mess. I used to feel that way myself before I came here. I haven't been here that long—just 4 years.

Twelve years ago, I was a candidate for President of the United States. I was in those debates which we watched on television last night, or those kinds of debates. One of my proposals was that we should create a new branch of the military in order to secure the border. In 1994, 1995, and 1996, Americans were upset about our inability to distinguish between legal immigration, which is the lifeblood of our country, and illegal immigration, which is an affront to the rule of law and the principles of what it means to be an American. So this has been going on year after year after year.

When I was home last week in Tennessee, I spent a lot of time listening and talking to Tennesseans. In fact, I just left a group of homebuilders from Tennessee in my office who were talking to me about the immigration bill and about some concerns they have. But of all the concerns that came through to me last week in my conversations with Tennesseans, it boils down to this: We don't really trust you guys in Washington, DC, to fix this problem. You don't seem to be willing to do it.

So I have a suggestion today that I will make, an amendment that I intend to offer. I won't call it up at this moment, but I want my colleagues to know about it and the country to know about it because I think if this bill were to become law, it would increase the level of trust the American people would have in the ability of this Government to enforce whatever law we pass. I am not suggesting it would solve everything or that we would regain trust overnight, but I am suggesting it would be a step forward. I will describe the legislation in just a moment, but it boils down to this: We would involve the Governors of the border States between the United States and Mexico in determining whether the new border control system we put in place is actually operational.

Right now, particularly amendment offered by my distinguished colleague from New Hampshire (Senator GREGG) the other day, the proposed bill has been strengthened in the following way: He said that his amendment would require the Department of Homeland Security to certify that it has established and demonstrated operational control over the entire U.S.-Mexico land border before other parts of the bill involving legal status could go into effect. We call this the trigger.

Senator ISAKSON from Georgia suggested this last year. It is a wise idea. It says, first we secure the border, and then, when it is secure, we do the other things about legalization of people already here, to the extent we decide to do that. But the question still remains: Who is going to say when the border is secure? The people out across the country—at least those in Tennessee—don't trust us, don't trust the Government in Washington, because of this poor record of 20 years. It doesn't matter that I just got here 4 years ago. They look up here and see the Government and they say: You didn't do it last year, you didn't do it 3 years ago, you didn't do it 10 years ago or 15 years ago, so how do we know you are ever going to do it, even if you pass the law?

Well, the three things I can think of that would make a difference are, No. 1, to pass a bill with teeth in it. For example, the Gregg amendment says

there will be 20,000 Border Patrol agents. That is more than we currently have. Today, there are 13,000. There will be four unmanned aerial vehicles. There will be 300 miles of vehicle barriers. Currently, there are about 78. There will have to be at least 370 miles of fencing already built. Now, there are 700 already authorized by the Secure Fence Act of 2006, and that hasn't changed, but 370 miles would have to be built. There would have to be 70 ground-based radar and camera towers on the southwest border. There would have to be a permanent end to catch and release. There would have to be an employment verification system that requires employers to electronically verify new hires within 18 months and all existing employees within 3 years. All of those things would have to be in place. The words are they would have to be ''established and demonstrated, that the Federal Government had operational control over the entire U.S.-Mexico land border.''

The amendment that is already part of the bill, the Gregg amendment, said the Director of Homeland Security would certify that. What I add with my amendment is it has to be concurred in, agreed with, signed off on by three of the four Governors on the United States-Mexico border. In other words, we pass the law with teeth—the teeth of the Gregg amendment and maybe more. I have suggested, and others seem to have agreed, what we ought to do is then fund the law. Either the President challenges us to pass an appropriations bill within 30 days after we pass the law, we do it ourselves, or we set up a trust fund—the way we do for highways and the way we do for Social Security, the way we do for anything else—and we say that money goes to secure the border, to fund these things. We pass a law with teeth. Then we provide the money. Then the Director of Homeland Security says the border is secure. That is the trigger. My amendment would say: The Governors of the border States, three out of four, have to agree.

The Governors of the border States are not in Washington, DC. They have not been infected with whatever is up here. They have not even been vaccinated. I have been up here long enough to be vaccinated with whatever disease is up here, and for that reason more Tennesseans trust the Governors than they do the Washington officials to solve this problem. If the Governors of California, Arizona, New Mexico, and Texas say yes, the border is secure, we agree with the certification of the Department of Homeland Security, I think that would be good enough for most Americans. That is the point of my amendment.

We need to put together a good bill that secures the border first. After border security, the other biggest problem is what to do about those already here illegally. I think that issue is less of an issue if most Americans believe we would pass a law that permitted the Border Patrol agents and the verification system to be done, that we would fund it and we would actually do it as certified by the Director of Homeland Security and the Governors on the border. Then I think they would be willing to accept different solutions for those already here.

But the week before last I voted for the amendment offered by Senator VITTER that would have sent the bill's drafters back to the drawing board on the question of what to do about the 12 million illegal persons, more or less, who are already here.

Senator HUTCHISON and Senator CORKER have done some very important work on this issue, which I intend to support and to cosponsor. That amendment would require illegal immigrants, who want to work here, to return to their home countries and reenter through legal channels in addition to paying a fine and passing the criminal background check.

In addition to that, this bill should be about another subject about which we hear almost nothing, and that is the number of people who come here legally every year. A little more than a million people come into the United States each year legally. Today, if I remember the figures right, most are family members. Some come here as students. Some come here as researchers, to create jobs for us. Some come here as refugees. For those Americans who come here legally and who are prospective citizens, especially given the large number of people coming from overseas, we need to do everything we can to help those persons become Americans.

I have filed several amendments. They seek to promote learning English, our common language, and what it means to become an American through an understanding of history and civics. For example, one of these amendments will help these legal immigrants learn English and what it means to be an American, to codify the oath of allegiance, and to make English our national language.

Another amendment would ask the Government Accountability Office to provide a comprehensive report on the costs imposed on the public and private sector by having millions of U.S. citizens and lawful permanent residents who are not proficient in English. So far in this debate the Senate has already passed my amendment to establish a Presidential award to recognize companies who have taken extraordinary efforts to help their employees learn English and American history and civics.

Some may say that is not so important, we all agree with that. It is awfully important. If you take a look at Europe today and you see the difficulty France has helping immigrants become French, and that Germany has helping immigrant workers become German, and that Japan has—because no one has an idea of what it might mean to become Japanese if you are not born Japanese—you can see how fortunate we are in this country to have literally invented the concept of becoming American. We say it does not matter what your race is, it doesn't matter who your grandfather is, you come here, you take the oath George Washington gave his officers at Valley Forge and you say: I am not whatever I was. I pledge allegiance to America. I learned the language, I learned the history, and we have a few principles we agree on, and I am an American. I am proud of where I came from, but I am prouder to be an American. Race doesn't matter. Religion doesn't matter. We pride ourselves on that. It is a tremendous advantage we have, so we ought not lose sight of the importance of helping legal citizens learn English and what it means to be an American.

I have heard some talk that encouraging people to learn English is somehow divisive. I can't imagine that. In fact, it is the reverse. It is our unifier. It unifies us, to have a common language. It unifies us to know that the rule of law and equal opportunity are common principles.

We debate what that means, and often they collide and conflict and we have to work that out as legislators, but we all agree on the same common principles and we enjoy the fact we have a common language, so I can speak to the President, and I can argue with the Senator from Colorado or I can agree with him as we are doing on an Iraq piece of legislation right now. We have a common language.

So, common language, what it means to be an American, finding many different ways to honor these new citizens who come here legally—that ought to be as important a part of this bill as securing the border and creating a verification system in dealing with the people who already got here illegally.

Primarily I came to the floor this afternoon to let my colleagues know I have a suggestion for how to begin to regain the trust of the American people on this issue, and that is this bill should pass with strong new provisions for border security, with funding to pay for it, and with a trigger that says the legalization parts of the bill don't take effect for 2, 3, 4, maybe even 5 years, until the border is secure.

Then the question is how are we going to know if the border is secure? The bill says trust the Director of Homeland Security. I say ask him, pay attention to him or her, but also trust the Governors of the border States. Let three out of the four Governors, of California, Arizona, New Mexico, and Texas concur with the Director of Homeland Security that the border is secure before we begin the legalization process, and I think the American people might buy it, they might believe that, and we might begin to regain their trust, after 20 years of mismanagement, that we are willing to take seriously securing the border and establishing respect again so we can have a rule of law.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Colorado is recognized.

Mr. SALAZAR. I thank my friend from Tennessee for his comments on the importance of immigration reform. I would say there is agreement in this Chamber among both Democrats and Republicans that what we need to do is secure our borders. The legislation before us today and the legislation we have been working on is, in fact, intended to secure our borders. We all recognize we need to move from a system of lawlessness and broken borders that create a wake of victims, to a system of law and order and a system of immigration reform that works for our country. We have been making significant progress as we move forward with this legislation. At this point we have already had 15 rollcall votes on this legislation. We expect to have another seven rollcall votes on this legislation as we move forward today. That gets us up to 22 rollcall votes. Last year before cloture was invoked on the immigration bill that was before the Senate, there were, at that time, 23 rollcall votes. So by the end of tonight we should be at a point where we would have equaled at least the number of votes we had last year.

We have some difficult amendments still coming up that we will be voting on, both today and tomorrow, but it seems to me we are making significant progress, and I appreciate the hard work that is going on today on the Democratic side as well as the Republican side.

Again, I appreciate the leadership of Senator REID. What he did is say: I am going to take the time of the Senate, 100 Senators. All of us here in the Chamber know how important our time is. We get a 6-year license to serve as Senators, so how we spend our time and how our time is allocated is at a very high premium. What Senator REID did was to say a long time ago we would spend the latter part of May, and now we are into June, dealing with this huge issue of immigration reform. At the end of the day it is a national security issue that goes to the heart of what Senator ALEXANDER was saying, which is we have to secure the borders of this country, we have to deal with the economic realities that have created the immigration issues we are facing here today, we have to deal with the reality of 12 million undocumented workers who live here in the shadows of America's society, and we have to create a system for immigration that is going to work into the future.

The people who have worked on this, including President Bush in the White House, have helped us move this debate forward—hopefully closer to conclusion.

I see my friend from New Jersey, who is I think ready to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first, I ask unanimous consent that Senator REID be added as a cosponsor of the Menendez-Hagel amendment, No. 1194.

The PRESIDING OFFICER. Without objection it is so ordered.

AMENDMENT NO. 1194

Mr. MENENDEZ. Mr. President, let me first commend my distinguished colleague from Colorado, who has been a voice of reason throughout this whole process. He has been a leader in trying to fashion a comprehensive immigration reform that is tough and smart. We need immigration reform that is tough as it relates to making sure our borders are protected. We have not only the right but the obligation to secure those borders and ensure that we have the wherewithal and the resources to make sure only those who cross, cross in a fashion that is safe, legal and orderly. At the same time, we need immigration reform that deals with our economy, fueling that economy, and finally finds justice for individuals who are often subject to human trafficking as well as exploitation.

To my distinguished colleague from Colorado, I tip my hat for the tremendous effort he has made—and that brings us to where we are today. But I do want to go toward one of the pending amendments that will be voted on in the next block. It is the amendment I have offered with Senator HAGEL and many others that goes to the core of one of the great issues the Senate will decide as it relates to this immigration bill, and that is whether families and the reunification of families is still a value to the Senate, is still a value in our family, whether families who come together and are strengthened by being together and helping each other and working with each other and nurturing each other and by so doing strengthening communities in the process are to be preserved, or are they, in terms of that battle, likely to be eliminated and struck, at least in our immigration context?

I certainly hope when the Senate comes to vote, it will be voting in a way that is in line with the many speeches I have heard here, that I have heard in committee hearings, that I have heard in the other body, in the House of Representatives, where I served before coming here, about family values, family reunification is going to be preserved. It is time to put our votes where our values are. The Menendez-Hagel amendment offers that opportunity.

Now, I do wish to wave my saber to the managers of the bill. I have heard some suggestion that there may be an attempt to offer a budget point of order which would require a higher vote total. I would simply say that there are also budget points of order on the underlying substitute. If in fact we are going to go down that slippery slope, then I would have the expectation myself to be offering budget points of order against the substitute. I think what is fair is to have a vote up or down on the amendment as it relates to the majority of the Senate's will. We will see what the majority will of the Senate is.

But if we are going to move down that road, I would acknowledge that there is a budget point of order as it relates to the underlying substitute. So I hope we will not move to that type of tactic as we pursue the vote on this amendment.

Now, it seems to me that under the existing bill, people who apply under the existing rule, under the law as it is today, who observe the law, who follow the rules, who said to their family member: No, no, do not come to the United States, wait your turn, follow the law, obey the rules, who filed an application as is a right of a U.S. citizen to file for a petition for their immediate relative, who paid their application fee, whose Government took their application fee, whose Government went ahead and made an analysis of that petition to see if it was a petition that was lawfully entitled to be approved, and who approved the very essence of that petition saying: Yes, this person, as a U.S. citizen, has the right—the right—to go ahead and apply for their family member, their brother or sister, their mother or father, their son or daughter—that is the universe that we are talking about—and says: Having approved my documentation and having approved of that petition, then you must wait your turn to the time that ultimately the priority date will invoke the possibility for you to come to the United States.

That is the law. That is obeying the law. That is the rule of law. So you would think that in the legislation we are debating, those who have obeyed the law, followed the rules, and those who are U.S. citizens and have done the right thing, that we would not extinguish, eliminate their right for having done the right thing—for having done the right thing.

But that is the very essence of what this bill does, unless we adopt our amendment. Under the bill, not only does, of course, the Senate bill propose a radical change to who and how you can come to this country, but it also cancels the applications that are pending—pending—of many people who have been waiting patiently in line for family-based visas. If you are a U.S. citizen or lawful permanent resident, you filed after May of 2005, the date that arbitrarily was taken and put into the bill to bring in a relative to the family immigration system, your application is gone. It is voided. You are told: Get to the back of the line—the back of the line, by the way, which is the back of the line with people who violated the law, who violated the law. Imagine that.

Whose right is being extinguished here? Not the family member who is waiting abroad. No. The right of the individual that is being extinguished is the U.S. citizen. That is where the right accrues. It is that person who has

the right to make this claim under existing law.

So we take away their right after they filed the petition, paid their fees, and told their family members to wait. They are told to get in the back of the line. The back of the line is after those individuals who did not follow the law and obey the rules.

It boggles the mind. Under the Senate bill, employment-based immigrants are allowed to continue their applications as long as they are pending after the date of enactment. Employment-based verification. What about those families who have done everything right? It is only fair, in my mind, that family-based immigrants be given the same treatment.

The Menendez-Hagel amendment goes a long way to restoring fairness to this situation by doing what? We simply take the cutoff date that is in the bill, May 2005, and we say: Do not treat American citizens any worse than you are going to treat those who came into the country in an undocumented fashion. You are going to give them a benefit, January 1, 2007. They had to be here by January 1, 2007. Well, then, let those who followed the law, obeyed the rules, paid their fees, told their families to wait, they have the same benefit: January 1, 2007.

It is not outside the ''grand bargain.'' It is within the same context. You want to clear out a backlog? Fine, clear out a backlog but be fair in the process. Do not extinguish the rights of U.S. citizens.

It is important to understand, as we talk about this, the stringent requirements that exist under the law today governing family sponsorship for immigration. They would continue to apply in these cases. Any U.S. citizen or lawful permanent resident wishing to sponsor a family member, as part of the approval of that petition, must demonstrate that he or she earns at least 125 percent of the Federal poverty level and must sign a legally enforceable ''affidavit of support,'' pledging to ensure his or her relative will not become a public charge.

On top of that, based upon the welfare reform legislation that was passed several years ago, legal immigrants are barred, barred from accessing most Federal means-tested public benefits for the first 5 years in the United States and are thereafter subject to further limitations until they have worked 40 quarters in this country, which is the equivalent of 10 years—10 years. Five years first, in terms of being barred from any public benefit because you came in on the affidavit of a family member who said: I am going to be responsible for this individual, and then 10 years after, in terms of being subject to further limitations of their necessity to have worked 40 quarters, 10 years.

Now, I have heard a lot about the rule of law. I am for the rule of law. But how does the rule of law get promoted, how does the rule of law get promoted when we say to a U.S. citizen who has applied for their family member waiting abroad, waiting their time, following the rules, obeying the rule of law, that, in fact, they have an inferior right to someone who did not follow the rules, who did not obey the law, and who ultimately will receive a benefit superior, superior to that U.S. citizen who is claiming their family member and waiting under the law and pursuing the law?

In my mind, it sends out totally the wrong message. The message should have been: No, no. Come across. Come however you can. Then, by the way, you know we are going to give you a benefit. Do not stay out there waiting. Yes, it breaks our heart that we are not together. Yes, you are going to have to wait a period of time. But you know that is the law. We are going to do this right.

Oh, no. Instead of honoring and rewarding that and sending a message that when you observe the law there is a benefit, you know, we do the opposite. We do the opposite under this bill. Our amendment very simply says: A U.S. citizen claiming their family member, waiting under the legal process, waiting to proceed, that their right should not be snuffed out like that, under this bill, in May of 2005, when those who have crossed the borders of our country through a process that is unchecked, undocumented, get a benefit—January of 2007.

Because here is the message we send under this bill: Break the law, you get a benefit—January of 2007. Follow the law, follow the rule of law, obey it, your right is snuffed out in May of 2005. So I think if we want to send a message about the rule of law, what we want to do is to ensure we put on an equal footing the rights of a U.S. citizen claiming their family member, obeying the law, to give them the same opportunity that those who have not. That is what our amendment is all about.

Now, as we approach moving toward a vote on this amendment, I wish to remind our colleagues about whose rights they are snuffing out. Rights of individuals good enough to wear the uniform of the United States, good enough to serve their country, good enough to fight for their country but not good enough to observe their right to claim their family member.

Under this bill, both U.S. citizens and U.S. legal permanent residents' rights are snuffed out. These men in different branches of the armed services of the United States, they were good enough to fight for their country, but they were not good enough, under this bill, to have their rights preserved to claim their family member.

That does not make sense to me. Now, I have heard about this killer amendment—killer amendment. One of our colleagues has tried to describe our amendment on family reunification as a killer amendment. What is a killer amendment? A killer amendment is an amendment that is proposed by a sponsor who does not want to see comprehensive immigration reform pass the Senate.

Now, the ironic part of that is many who used that language last year when I was in the Senate voting for comprehensive immigration reform, that was used against me in my election last year. They were voting against comprehensive immigration reform. Killer amendment? When did family reunification—family reunification—strengthening of families, preserving the rights of U.S. citizens, including those who wear the uniform of the United States, when did that become a killer amendment?

Now, I have heard a lot about family values in my 15 years in Congress. You know, when you want to move away from the human aspect, when you want to forget, for example, the face of Marine LCpl Jose Antonio Gutierrez, a legal permanent resident of the United States who gave his life, the first soldier to die in Iraq, under this bill, had he survived, you would have extinguished his right to claim his family. He was good enough to die for his country, not good enough to have his rights preserved. When you don't want to see the human faces, you dehumanize it so you can deal with it abstractly. So what have we heard about? We have heard about chain migration. We can treat it like an inanimate object; we have to stop that chain migration.

This is much more than chain migration. This chain my colleagues so abstractly refer to, the top of this chain is someone who is a mother or a father. When did that become such a horrible thing? I thought we wanted to strengthen families, honor our parents, honor their ability to perform and to be strengthened. But that is chain migration. We can't let a U.S. citizen be able to claim their family. No, that is chain migration. We can't do that.

When did we decide our brothers and sisters are nonnuclear? But they are part of the chain, brothers and sisters. Then our children—this is a good one—if they are under the age of 21, they are part of our nuclear family. If they are over the age of 21, they are no longer part of our nuclear family, just a little part of this chain.

I have two children. One is 21; the other is 23. I have never for a moment, because they changed from 20 to 21, believed they were not part of my nuclear family. I don't view them as part of a chain. I don't love them any less. I couldn't live without them any less. The mere passage of a year, some numerical figure makes them part of a chain, nonnuclear. I guess we can do away with our children. I guess we can do without the right of U.S. citizens to claim their children. We can just discard them. I guess when you become 21, you really don't matter anymore. As a matter of fact, all of that family values stuff doesn't matter anymore. Unless we adopt this amendment, that is what we are talking about.

Imagine if we couldn't have such a set of circumstances be preserved by

virtue of this amendment. I have shown some of these pictures before, but as we move to the vote, I hope people understand what I am talking about. Under the bill, family reunification that I believe is so critical, we wouldn't have a lot of people in our country who have made enormous contributions. Ultimately, we ended up thriving because of their contributions. We ended up thriving on the contributions of a Colin Powell whose parents, under this bill, would not have been eligible to come to this country and, therefore, unlikely that he would have been born here and had the opportunity to become chairman of the Joint Chiefs of Staff or Secretary of State. He has made a good contribution to this country.

Right now in Iraq our leadership comes from GEN David Petraeus. The reality is, under this bill his parents would have been unlikely to come to this country, and he would not be a United States general and leading the best efforts we can have in Iraq.

Under this bill, the inventor of the polio vaccine, Jonas Salk, would not have made it to this country. Yet he saved the lives of millions and millions of people here and across the world. Under this bill, at least, America wouldn't have been the place in which electricity and the light bulb would have been found. Thomas Edison, from my home State of New Jersey, likely would not have made it because his parents weren't rocket scientists.

The list goes on and on. We have a gentleman who did a great service to our service men and women across the globe, Bob Hope. Under this bill his parents wouldn't have made it, and we wouldn't have had an incredible ambassador for our country and an incredible sponsor of goodwill for the men and women who served us over decades around the globe.

What do we say? This came out recently in one of the newspapers. What are our priorities? Stopping terrorists, stopping drugs at the border? No. Drugs or explosives? No. We are just checking to make sure you don't take any loved ones with you.

Under this bill, it doesn't matter because even when you obey the law and follow the rules, you ultimately have your right extinguished.

It seems to me we have our values wrong. It is not about chain migration, not about just looking at the ability to say that family reunification should not happen, especially when the burden is on the family member who happens to be a U.S. citizen. I simply believe the question before the Senate will be, are you willing to vote to eliminate the right that exists today of a U.S. citizen who filed his papers, the Government took his money, he obeyed the law, followed the rules, you are going to take away his or her right? But you are going to give a right to individuals who didn't follow the law and obey the rules. I certainly don't believe that ultimately is in pursuit of the rule of law.

There are many organizations that have joined us. I ask unanimous consent to have this list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASIAN AMERICAN
JUSTICE CENTER,
Washington, DC, June 5, 2007.

DEAR SENATORS: We, the undersigned organizations, write to urge you to vote yes on the Menendez-Hagel Amendment to ensure fairness for U.S. citizens and their families. Without this amendment, U.S. citizens will be punished for playing by the rules and waiting in line to be reunited with their family members.

The current immigration bill being considered by the Senate contains a provision that would address the current family backlog of people that have applied for lawful permanent residence, but only for those who applied before May 1, 2005. Applications that were filed by U.S. citizens to sponsor their adult children or siblings after this cut-off date—an estimated 833,000—would be thrown out. Not only does this send the wrong message to people who are citizens and obey the law, the government will be severely taxed with the administrative cost of returning application fees for the past two years.

Senators Robert Menendez (D–NJ) and Chuck Hagel (R–NE) have introduced an amendment, co-sponsored by Senators Daniel Akaka (D–HI), Hillary Clinton (D–NY), Christopher Dodd (D–CT), Richard Durbin (D–IL), Daniel Inouye (D–HI), Frank Lautenberg (D–NJ), and Barack Obama (D–IL), to the current Senate bill that would correct this grave injustice by changing the cut-off date for legal immigrant applicants from May 1, 2005 to January 1, 2007—the same cut-off date that is currently set for the legalization of undocumented immigrants—and adding 110,000 green cards a year for a meaningful backlog reduction so as to not lengthen the 8–year deadline for clearing the adult children and sibling backlog.

By voting for the Menendez-Hagel Amendment, you will help immigrants who have gone through the long and sometimes arduous process of learning English and becoming citizens. These Americans have filed applications and paid fees to the U.S. government so that they can bring in their adult children or siblings. They have made life choices based on the very reasonable expectation that they would be eventually reuniting with their family members. Our country can't tell people who have been waiting patiently in line for visas that we are now retroactively rewriting the rules and effectively forcing them to start from scratch.

We urge you to vote yes on the Menendez-Hagel Amendment and ensure our immigration system is fair for United States citizens.

Very truly yours,

National Organizations: Asian American Justice Center; Advocates for Children and Elders International; American Friends Service Committee; American Immigration Lawyers Association; Amerian-Arab Anti-Discrimination Committee; Asian & Pacific Islander American Health Forum; Association of Community Organizations for Reform Now; Cambodian American National Conference; Church World Service, Immigration and Refugee Program; Coalition for Comprehensive Immigration Reform; Democracia Ahora; Dominican American National Roundtable; Ethiopian Community Development Council; Federation of Indo-American Seniors' Association of North America; Friends Committee on National Legislation; Hate Free Zone; Hebrew Immigrant Aid Society; Hmong National Development; Immigrant Legal Advocacy Project; Immigrant Legal Resource Center; International Immigration; Foundation Japanese American Citizens League; Kurdish Human Rights Watch; Laotian American National Alliance; Latin American Legal Defense and Education Fund; Leadership Conference on Civil Rights; Legal Momentum; Lutheran Immigration and Refugee Service; Mennonite Central Committee, Washington Office; Mexican American Legal Defense and Educational Fund; National Advocacy Center of the Sisters of the Good Shepherd; National Alliance to Nurture the Aged and the Youth; National Asian Pacific Center on Aging; National Association of Latino Elected and Appointed Officials Educational Fund; National Council of La Raza; National Korean American Service & Education Consortium; National Immigration Forum; National Immigration Law Center; NETWORK, A National Catholic Social Justice Lobby; Organization for Justice & Equality; Organization of Chinese Americans; People For the American Way; Sikh Council on Religion and Education; Sojourners/Call to Renewal; Somali Family Care Network; South Asian American Leaders of Tomorrow; Southeast Asia Resource Action Center; Unitarian Universalist Association of Congregations; United Methodist Church, General Board of Church and Society; U.S. Conference of Catholic Bishops; World Relief.

Local Organizations: Asian American Federation of New York; Asian American Institute, Chicago, IL; Asian Law Caucus, San Francisco, CA; Asian Pacific American Legal Center of Southern California; CASA of Maryland; Causa, Oregon; Colorado Immigrant Rights Coalition; EI CENTRO de Igualdad y Derechos, Albuquerque, NM; Filipino-American Coalition of Florida; Filipino American Political Alliance of Florida; Fresno Interdenominational Refugee Ministry; Guru Gobind Singh Foundation Sikh Center, Rockville, Maryland; Illinois Coalition for Immigrant and Refugee Rights; Iowa Citizens for Community Improvement; Korean Resource Center, Los Angeles, CA; Korean American Resource & Cultural Center, Chicago, IL; La Casita: Servicios Legales para inmigrantes, Trenton, NJ; Latin American Community Center, Wilmington, DE; Massachusetts Immigrant And Refugee Advocacy Coalition; National Capital Immigrant Coalition; New Jersey Immigration Policy Network; New York Immigration Coalition; Northwest Federation of Community Organizations; OCA—South Florida Chapter; Stone Soup Fresno; Tennessee Immigrant and Refugee Rights Coalition; The Pyonghoa Gospel Church, Flushing, NY; United Chinese Association of Florida; YKASEC—Empowering the Korean American Community, Flushing, NY.

Mr. MENENDEZ. There are 80 of them. I will not read them all, but I want to give a sense of some who have moral authority behind them, as it relates to saying the Senate should adopt this amendment: The Church World Service; the Hebrew Immigrant Aids Society; the Lutheran Immigration

and Refugee Service; the Mennonite Central Committee; NETWORK, a National Catholic Social Justice Lobby; the Unitarian Universalist Association of Congregations; the United Methodist Church; the U.S. Conference of Catholic Bishops; and a whole host of organizations that are not religious in nature but clearly are advocates from all of the different sectors of society: For example, the Asian American Justice Center, the Asian and Pacific Islander American Health Forum, the Federation of Indo-American Seniors' Association of North America, the Friends Committee on National Legislation, the National Association of Latino Elected and Appointed Officials, the National Council of La Raza, the National Korean American Service & Education Consortium, to mention a few. They all believe this Senate should be putting its votes where its values are, into the reunification of families.

Finally, I know there will be an attempt to offer what we call a side-by-side, something to try to produce a figleaf for those who don't want to be seen as casting a vote against family reunification, a vote against snuffing out the rights of U.S. citizens. And that figleaf actually would do absolutely nothing. What it would do is guarantee the underlying bill. It would guarantee that a U.S. citizen who obeyed the law, followed the rules, did everything right, had their family member waiting, it would guarantee that their right would be snuffed out. It would guarantee that they would go to the back of the line, a line in which there are people who didn't follow the law, obey the rules, violated the law, and they will be in the back of the line with them.

That amendment that is going to be offered clearly is a figleaf. It clearly is poorly constructed. It doesn't deal with the present realities of undermining that right of a U.S. citizen. It does nothing to preserve the right of those people who filed and who are now being snuffed out, being cut out in terms of the rights of those U.S. citizens because of the underlying bill.

There is only one way to make this right. There is only one way to preserve family reunification. There is only one way to preserve the rights of these individuals who wore the uniform of the United States, who were good enough to wear the uniform, serve their country, and should have the right, which this bill snuffs out, to claim family members. There is only one way of making sure we don't turn this into an abstract object of chain migration, but that we understand the core values of family; that we understand a child who turns 21 is no less a child you love dearly and want to be with and who doesn't stop being part of your nuclear family because they magically turned 21 and are now nonnuclear. That is what is at stake in this amendment.

I urge my colleagues to support the Menendez-Hagel, and others, amendment so that, in fact, we can still stay within the ''grand bargain'' but we can do what is right on family reunification.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Ms. KLOBUCHAR are printed in today's RECORD under ''Morning Business.'')

Ms. KLOBUCHAR. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the quorum call be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. 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. KENNEDY. As we noted earlier, we are going to have a series of votes at 6:45. I wanted to address the amendment which has been offered by my friend, Senator SESSIONS from Alabama, which relates to the earned-income tax credit.

I see the Senator from Alabama has just arrived, so I will be glad to let him make his presentation and then respond. If that is what the Senator would like to do, I will withhold.

Mr. SESSIONS. I think I am ready, Mr. President.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

AMENDMENT NO. 1235

Mr. SESSIONS. Mr. President, I thank Senator KENNEDY for his courtesy, and I would just like to make some general comments about the earned-income tax credit and why I think this is important. I ask that I be notified in 20 minutes if I have gone that far.

The earned-income tax credit is one of the major—the major, in fact—transfer programs in the Federal Government. It is a payment of monies, in reality. It doesn't work the way it was intended, but in reality, it provides a substantial check every year to persons who are low-wage workers. It is for people who are trying to do well but are not making much money, so they give them a check to encourage work. I have felt for some time—and maybe I will talk with Senator KENNEDY one day about it, and we might reach an agreement on this—I think it would be much better if tax credit were paid along with your paycheck. It is designed to increase—it is allowed, under the EITC, but we don't do it that way. You file a return, and the next year, after you have completed your year's work, they send you a large check. On average, the recipient receives a benefit of almost $1,800 a year; that is, the people who qualify receive that amount. Again, the people who qualify are individuals who are working in lower wage jobs, which, in fact, are the types of jobs most of the 12 million illegal aliens are doing. They are working at low-wage jobs. Therefore, we can expect there will be a disproportionate number of persons who will qualify for this tax credit.

Now, the tax credit was designed to encourage Americans to work—American citizens. When it started in the 1970s under President Nixon, they thought there had to be some incentive so that you would get more money by working than by drawing welfare, or else you would just stay home and draw welfare. There still is a problem with that, in reality. But this bill was supposed to incentivize work, and that is why it was drafted the way it was and has continued to grow and become quite substantial. But, again, it was designed to take care of American citizens, our own people.

Now, we are into an immigration reform bill where we have 12 million people here who came into our country illegally. They are being considered for amnesty. They are going to be allowed to stay in this country and be given that right. Maybe some didn't want it or didn't expect it, but they will be given the right to stay here. But under present law, because they are not legally here, they are certainly not entitled to the earned-income tax credit. Unless they file fraudulent documents and receive it fraudulently, they don't get an earned-income tax credit.

So we say we are going to have a $1,000 fine that people must pay as part of a punishment for being in the country illegally, and it is not really amnesty because they pay a fine, but in reality, the fine can be paid on the installment plan, and only $200 has to be paid the first year when you apply for the Z visa. So under the bill, as I understand it—I think there is little dispute about it—as soon as this bill passes, everybody can come in and get a probationary legal status in America, and then before long, they are entitled to apply for and receive a Z visa that is good for 4 years. It can be renewed indefinitely. At some point, they can apply, if they so choose, for legal permanent residency.

What I want to tell my colleagues is that not only will we be providing amnesty to the persons who came into our country illegally for a $200 payment, we will be giving them—even for the temporary probationary status and the

Z visa, prior to legal permanent residency, the earned-income tax credit. I think that is quite a step. Indeed, you pay $200 for your fine, and you file your tax return next year and get a $1,800 check from Uncle Sam.

Don't be mistaken, the earned-income tax credit is for people who don't pay income tax. It is a gift from Uncle Sam. It is meant to encourage Americans to get out and work, not to encourage people to come into our country illegally to gain this benefit. So I just would say to my colleagues, this is an important principle.

According to the Congressional Budget Office—and they run the numbers on this—it is the largest single benefit program and cost of this bill in the first 10 years—not in the outyears; there are some big costs that aren't being calculated. But in the first 10 years, this is the largest direct single benefit.

Over the 2008 to 2017 period—

Ten years—

the Joint Tax Committee estimates that S.A. 1150 would increase outlays for refundable tax credits by about $13 billion, the largest direct spending effect of the legislation. Enacting 1150 would increase the amount of refundable tax credits mainly by increasing the number of resident aliens for income tax purposes.

In other words, it would increase the number of people eligible.

Resident aliens are taxed in the same manner as U.S. citizens and thus could qualify for the refundable tax credit.

They are taxed, but they are not going to be paying high taxes because many of them are lower income people, but they will get the tax credit.

So my amendment would reduce the bill's direct spending cost, the cost to the American taxpayer. Who pays the big check they get every year? Who pays the check they get every year? They are not paying it. It is the taxpayers, the American taxpayers. It is an additional reward on top of the amnesty that is provided. So my amendment would reduce the estimated cost of this legislation by nearly half, No. 1, and it is right, and it is fair.

Now, last year, my amendment—which I believed was justified, but this Congress didn't agree—said you would not receive the earned-income tax credit until you became a citizen. Why not? How is an illegal alien able to come here, not expecting the earned-income tax credit, and then be rewarded with it by our government? That never made sense to me.

But in this legislation—because I think it is important, and we can make a big difference here—in this legislation I have offered, it would simply say that during the time you have a probationary visa or a Z visa up until the time you become a legal permanent resident, you wouldn't get the earned-income tax credit. How much simpler is it than that?

I hope my colleagues will see that this is a perfectly logical amendment, and I would suggest it reflects on our mindset, our approach to this entire process, if we are not able to draw this kind of line as we go through passing—or attempting to pass—this historic piece of legislation. I really think we should give thought to that and ask ourselves what right does somebody who came into our country illegally, who has been here maybe for a number of years, expect to receive this benefit, where we say: OK, we are just going to give up; we are not going to make you go home; we will let you stay; you can have amnesty. By the way, you start receiving the earned-income tax credit of $2,000. How much sense does that make? I don't think that is good public policy. It raises questions about how serious we are about defining our immigration system in a way that works, that has bright lines, and carries out a logical policy. But I understand that people are determined to see that this goes forward.

Now, Senator REID has offered an amendment that is going to be a side-by-side. This amendment is very short, and basically all the amendment says is—I don't have it before me. Our majority leader, our Democratic majority leader, is offering an amendment that says: Well, we will comply with all the current laws of the IRS, and you don't get the earned-income tax credit if you are illegal. Well, of course. That means zero—nothing. I have to tell my colleagues, I am amazed at that amendment, unless I have missed something entirely, because that is what it is all about. They won't be illegal when they are given the probationary status or the Z visa status. They become legal and would get it. I was going to meet with some of the White House people to discuss this issue. I don't think they understood it that way, and I am not sure the President understood that this was actually going to happen under the legislation. But if this bill becomes law, they would get it.

So you say: Well, maybe they wouldn't get it. Well, if they don't get it, why wouldn't you vote for my amendment, which quite plainly assures that they don't get it? Follow me?

So I don't understand this cover amendment. It is not even a fig leaf, I say to my colleagues. I don't think you are going to be able to hide behind the Reid amendment because it is not going to do anything but guarantee that persons who are here and are given this amnesty will pay $200 and then they will get to draw nearly $2,000 a year under the earned-income tax credit.

The amendment being offered by Senator REID makes no sense to me. Maybe I missed something, but I don't think so. I would be delighted to hear what is in play. It is what you call a cover amendment. So what I say to my colleagues is, let's get realistic about what we are doing. Let's understand the cost this legislation is going to have. The Congressional Budget Office has found in their report—although it was written so that it is a little hard to find, but it is perfectly plain—the bill, over 10 years, will cost the American taxpayers $32 billion. A substantial chunk of that amount is the earned-income tax credit. They say the earned-income tax credit is for children. It is not for children, it is for American workers. You may get more if you have children, but it is not for children, it is for American workers.

I thank the Chair and reserve the remainder of my time on this issue.

The PRESIDING OFFICER (Mr. OBAMA). Who yields time?

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I see the Senator from Arizona on the Senate floor. I was going to respond at some time to the Senator from Alabama. I am glad to wait until the Senator from Arizona is finished.

AMENDMENT NO. 1150

Mr. KYL. Mr. President, I thank the Senator from Massachusetts, since it is important that, prior to a meeting we have at 5:30, to speak to an amendment offered by Senator MENENDEZ.

I want to be clear that we have a side-by-side amendment that we will also be voting on, which I think goes to the heart of what Senator MENENDEZ is trying to get at here, but it does so in a way that will not upset the bipartisan consensus that has been worked out on the legislation.

I think the Menendez amendment has been discussed in the past. It is an amendment that would, in significant ways, change the basic agreement that has been made by some of the Senators. Therefore, it would be very problematic were it to pass. There is a budget point of order against the Menendez amendment, and that point of order will be raised. Because of the extra cost that would be imposed by additional immigrants being permitted to come into the country over time, in fact, I think there is more than one budget point of order because of those increased costs. The general proposition is that some have said the bill is not family friendly and that we need to do more for families. I want to try to dispel that, Mr. President.

We start out with the proposition that somewhere between 12 million and who knows how many million illegal immigrants who are in the United States, for the most part, are going to be able to stay. If everything that can be expected of them is accomplished, they have the ability to apply for a green card and eventually potentially become citizens of the United States of America. That is a tremendous benefit for people who came illegally.

One of the reasons some of us have been willing to accommodate that is people have come here with families or have created families here, and we do not want to disrupt those families.

Secondly, there are family visas that historically have been issued by the United States. This bill doesn't in any way affect the ability of any legal permanent resident or citizen to bring

into the United States their spouse or minor children. That is the so-called nuclear family.

In addition, 40,000 parents per year can be brought into the United States, and there are extraordinarily liberal visitations for parents beyond that 40,000 number. We have said the so-called nonnuclear family—the extended family—in the future is going to compete the same as workers are going to compete, so that we can get in balance with some of our competitors in the global economy, where more of the visas are reserved for work purposes and fewer for family purposes. But in the meantime, some 4 million people, roughly, who have applied for a family visa—extended or nonnuclear family—are going to be allowed to immigrate to the United States, and instead of taking 30 or 40 years, in some cases, it is going to all happen within an 8-year period of time. That is extraordinarily helpful to families and family reunification.

Now, it is true, if somebody has come here illegally and their family is still outside the country, we don't permit that family to come. But the object, obviously, is to try to encourage that individual to go back with his family. That would be family reunification.

But the problem the Menendez amendment poses is, instead of allowing those people who have applied for visas for extended families who have a reasonable expectation to come to the United States, he would change the date that measures their eligibility in such a way as to allow a lot of people—thousands, hundreds of thousands, actually—to immigrate to the United States who, today, under current law, have no reasonable expectation they would ever make it to the United States. What we have tried to do is to be fair and say, if you have a reasonable expectation you will be permitted to immigrate to the United States, we will allow you to come in, and we will do it within a very short period of time—8 years, or perhaps less than that period of time, as opposed to the perhaps 20 or 30 years it may have otherwise taken. If you didn't have a reasonable expectation to get in, then you are not going to come.

The reason the date was drawn where it was in May 2005 is that represented a compromise. I believe the original date was March or July of 2004—the time when people who were in line but had no reasonable expectation—that their application was going to be processed and were notified by the U.S. Government. Basically, the Government said: For the time, we are not going to be processing these numbers anymore because the backlog is too long. The backlog numbers are truly astounding. There are people in Mexico, for example, who have no reasonable expectation of getting here. For example, if you are the brother or sister of a U.S. citizen, and if you are a Mexican national and you recently filed to become a legal permanent resident of the United States, you have an expected wait of about 80 years. So even if you are 21 years of age, at the time when you can expect to get here you would be 101 years of age. That is not a reasonable expectation you will be allowed into the United States.

I went to Senator MENENDEZ and said: I think you have a point because we have drawn an arbitrary deadline. Remember, the date at which they were told we were no longer going to be processing, temporarily, these applications was in 2004. But in order to be more liberal, we moved the date to May 2005. His argument was, there may be some people who still had an expectation because they filed last year, and maybe they had an expectation they could make it.

I said: You know, there may be some such people, so let's take a look at it and see if we can redo this so everybody who had a reasonable expectation they could get here will be allowed to be here, no matter when they applied—whether it was 2 years ago, last year, 2 months ago, or 10 or 12 years ago—if they had a reasonable expectation of getting in.

We have crafted an amendment that I offered to Senator MENENDEZ, but he preferred to go forward with his amendment. But the side-by-side that I will be proposing is an amendment that stretches the date out to 2027. It says: If you had a reasonable expectation, based upon your category of immigration, the country you are from, the lines that currently exist with that country, if you had a reasonable expectation within the next 20 years you could have made it into the United States, then you get to come in under a family visa. That is extraordinarily liberal—everybody who really had an expectation that they could make it. Like I said, if you are this Mexican national, and you are the brother of an American citizen, and you were 21 years of age when you applied, you would be over 100 years old today. That is not a reasonable expectation. So you would not be permitted to come into the United States. You never had a reasonable expectation that you could make it.

The effect of my amendment and the Menendez amendment is almost identical in terms of the number of people who would be allowed to come to the United States. There is only a 3,000 difference out of about 600,000 people. So we are not reducing the number of people. We are making it accurate as to who can actually come.

There is also a general notion that somehow we are being unfair to families. As Senator KENNEDY has frequently pointed out, after this legislation is passed, for a period of 8 years, the total family percentage coming into the United States will be 74 percent. And you add another 15 percent for humanitarian visas, and there is only 11 left for the employment visas. Today, 65 percent are family visas. In subsequent years, families will still be the majority of immigrants to the United States—51 percent. Then you add to that another 17 percent for asylum seekers and other humanitarian visas; 17 percent of the total is a very humane number for the United States. We can still be very proud of our tradition of allowing the poor, hungry, and downtrodden to come to this country, and we will still have a majority of family-based visas in this country.

Mr. GRAHAM. Will the Senator yield?

Mr. KYL. Yes.

Mr. GRAHAM. For those who are worried about this, on the issue of families, you should be worried about this. Is it not true that in this bill, in terms of family reunification, the way we have accomplished or dealt with the bill, families will be reunified decades earlier, and those who are waiting to join their families under this bill—those who have done it right—will be together no later than 8 years; is that correct?

Mr. KYL. That is exactly correct. Instead of waiting 20, 30 years, they will have to wait no longer than 8 years.

Mr. GRAHAM. So if you want to be the person who keeps families apart, bring this bill down. I assure families will not be reunified under the current system like they are here, that we will have a dramatic increase in green cards to get these families reunited. We go up to 74 percent. If you want to keep families apart, bring this bill down and let the current system survive.

Secondly, when it comes to families, there are 12 million people here illegally. Is it not true that their families, under this bill—if they will do the right thing—will never live in fear again?

Mr. KYL. Mr. President, to me, that is one of the main features of the bill. Today, we have people who are being exploited, people against whom crimes are being committed, but they are afraid to report it to the law enforcement authorities. They are not being paid adequate wages and their working conditions are poor. Frankly, they are being taken advantage of. As long as they are in this gray status, that will continue.

This bill offers them immediately an opportunity to begin a process by which they are playing by the rules and, as a result of that, they can have the freedom and the assurance of being protected by the laws of the United States.

Mr. GRAHAM. To my good friend from Arizona, I say this: If you are concerned about the 12 million people who are living in fear, subject to exploitation, then this is the best chance you will ever have in my political lifetime to fix it. If you want to bring this bill down, the one thing I can assure you is that the 12 million, or however many there may be, will not only live in fear, they are going to live in more fear because we have stirred up a hornets nest in this country.

I argue, if you care about people who have families not being afraid anymore, if they get themselves right with the law, help us pass this bill. In the future, after everybody has been accommodated who has a reasonable expectation, we are going to allow families to be part of the new immigration system.

Could the Senator tell me again, in the future, what percentage of visas will be given to families?

Mr. KYL. The answer I give the Senator is that family visas alone are 51 percent—a majority—and another 17 percent is humanitarian.

Mr. GRAHAM. Would the Senator acknowledge that is twice the family component of other nations with whom we are competing?

Mr. KYL. Mr. President, that is almost exactly right. I know in the case of—in fact, I will give you the exact number. In Canada, it is 24 percent. If we have 51 percent, obviously, that is close to twice that number. In Australia, it is 27 percent. And, again, if we are at 51 percent in the future, that is almost exactly twice. But remember, that is only after 8 years. For the next 8 years, it is 74 percent because of what the Senator from South Carolina was pointing out.

Mr. GRAHAM. Mr. President, the bottom line, I say to my good friend from Arizona, is we would have no bill without him. He stepped to the plate and said I am willing to look at the 12 million anew; I don't believe we are going to deport them, and I don't believe we are going to put them in jail; So I am going to give them a chance to identify themselves, come out of the shadows and do things that will make them valuable to our country and will be fair and humane.

We have accomplished that. We couldn't do it last year. We are going to reunite families who have been waiting for decades to get into this country. We are going to expedite family reunions in an 8-year period for some people because they would not live long enough to get back with their families.

In the future, we are going to have a new system. There is going to be a strong family component, but I make no apologies about this, in the future we are going to have immigration based on the global economy and merit. We need to start looking at where we are in the world and making sure people come into our country under a merit-based system. Neither one of my parents graduated high school. There is a way forward for the semiskilled and low-skilled workers to come into our country in the future. But the family component in the future will be spouses and minor children, freeing up thousands of green cards for merit-based employment. They are not going to bring in their adult children unless they have a way to get in on their own. They are not going to bring in their third cousin. Nobody else does that. They are going to come in as a nuclear family, and we are going to do it based on merit, and merit is not a degree.

Under this bill, if you come in with a strong back and a strong heart and a desire to get ahead, you get points for getting a GED, you get points for an apprenticeship, you get points for doing the things that make you a better person. So I reject completely the idea that the merit-based system excludes hard-working people.

I end with this one thought. If we don't get it right now and correct the flaws in our system which led to the 12 million which will make us globally noncompetitive, then who will? When will they do it? There are a million reasons to say no to something this hard, there are 12 million reasons to say yes, and there are many reasons in the future to say yes because our country cannot survive with a broken immigration system that makes us noncompetitive.

This is a national security issue. This is a global economic issue. Now is the time to understand we will never have a perfect bill but to do something that will be good for America.

I thank my good friend, JON KYL, and Senator KENNEDY for getting us this far.

Mr. KYL. Mr. President, I appreciate that from the Senator from South Carolina.

Let me make one final point. I know Senator KENNEDY wishes to speak.

It was not easy for some people to agree to allow at least 12 million immigrants who came to this country illegally to stay here and eventually become citizens. That was not easy. One of the bases upon which we were able to do that was to respond to an argument that had frequently been made: Why should we let all those people, is the way it is described, become U.S. citizens and then chain migrate all their family—their uncles, cousins, grandparents, and so on? The answer to that question is we probably shouldn't. So that was ended in this legislation. That is what was stopped. That is part of the agreement that was reached, the consensus that was reached.

The adoption of the Menendez amendment would undo that. You can imagine how someone like me feels. I have taken a lot of heat for agreeing that the people who are here illegally should stay here, but I knew one of the reasons that was more palatable was because we had at least stopped the chain migration that would occur for anybody subsequently in the future, after we cleared the backlog of people who already applied.

Mr. MENENDEZ. Mr. President, will the Senator from Arizona yield?

Mr. KYL. Yes, I will be happy to yield. I was going to conclude and turn to Senator KENNEDY. I will be happy to yield.

Mr. MENENDEZ. One point. Remember how the Senator from Arizona said how all ''those people'' would be able to claim their families. The Menendez amendment has nothing to do with ''those people.'' The Menendez amendment has everything to do with U.S. citizens today who have a right under the law. So I hope we do not confuse both of those.

Mr. KYL. Mr. President, I say to the Senator from New Jersey that what he said, as far as he said it, is, of course, exactly correct. What I was talking about was the tradeoff that existed between the accommodation to the 12 million people and—by the way, I don't use that phrase ''those people.'' I hope the Senator understands that I was referring to the criticism of those who say we shouldn't allow the illegal immigrants in the country, especially if we chain migrate their families. We ended the chain migration.

We had to draw a time when applicants would be able to apply and their applications would be considered. We had it at one point. We agreed to move that date to accommodate the people on the Democratic side of the aisle. The Menendez amendment would move it to January 1 of this year, bringing in, I think, a total of well over 800,000 people. That, obviously, would undo the rather delicate balance of agreements that was reached that deals with this subject.

Recognizing, however, we wanted to make sure anybody who had a reasonable expectation of being able to immigrate should be able to do so, we have prepared an amendment that would, in fact, allow anybody with a reasonable expectation to be able to immigrate here. We put the date way back to 2027, and we say that if you could have reasonably expected to get here by 2027, you are in and you are in within an 8-year period from now.

I think that is very fair. The person who is excluded under our proposal is the person who, as I said, is the sibling of a Mexican national who is a sibling of a U.S. citizen who might be 101 years old when he gets to the United States of America. That is not a reasonable expectation.

I think our approach is reasonable. It is consistent with the underlying agreement we reached. I regret to say—and I appreciate the Senator from New Jersey has every right to raise a budget point of order on the underlying bill—we fully expected there would be points of order at the conclusion presumably of the consideration of the bill and we would have to vote on those. Obviously, it is a 60-vote point of order. We expected to have 60 people who would support the legislation, and we believe that to be the case. But if the Senator wants to bring the bill down, as the Senator from South Carolina said, by raising an amendment such as that which has been proposed or at this time trying to conclude the budget point of order, I don't think that is the best way forward.

As the Senator from South Carolina said, we have one good chance to get legislation passed. I don't think we want to blow that chance. Now is our time. We were sent here to do difficult

jobs. I hope, in the bipartisan spirit that has so far characterized our debate, we can move forward and continue to keep this bill as literally a beacon of hope for a lot of people who are counting on us.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know the Senator from Vermont is looking for some time to speak. I believe there is 30 minutes I have remaining; is that correct?

The PRESIDING OFFICER. There is 30 minutes.

Mr. KENNEDY. The Senator from Connecticut, Mr. LIEBERMAN, wants time. I yield 10 minutes to Senator LIEBERMAN. I will use probably 6 or 7 minutes. I will be more than glad to give 10 minutes to the Senator from Vermont if not, we will try and extend that if we can.

Mr. KYL. Mr. President, if I might interrupt the Senator for a question. Would it be possible also to make sure Senator DOMENICI will be able to speak after the Senator from Vermont?

Mr. KENNEDY. I will take 5 minutes of the 30 minutes; Senator DOMENICI can have 5 minutes; 10 minutes to the Senator from Connecticut, Mr. LIEBERMAN; and 10 minutes to the Senator from Vermont, Mr. SANDERS. I think that takes up 30 minutes. I ask unanimous consent that another minute be given to each of us, 33 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1234

Mr. KENNEDY. Mr. President, I will be brief in response to the Sessions amendment. We are talking about the earned-income tax credit. That was developed in the 1970s. Why was the earned-income tax credit developed? Because of the increased number of children living in poverty.

We have, as this chart shows, in the United States more children who live in poverty than any other country in the world. This amendment would say to legal immigrants that you are not eligible for the earned-income tax credit that benefits children.

If we look at the report from the CRS, it shows that over 98 percent of the earned-income tax credit goes to families with children. That was its purpose, that is where it is focused, that was the reason for it, and this is the need.

Why in the world would we want to take benefits away from needy children? Who are the workers of the earned-income tax credit? Their average income is less than $20,000 a year. This is phased out at about $30,000 to $33,000 a year. This is the low-income individuals who are, what? Are they on welfare or are they out working? They are working. They have children. They are legal. Why take the benefits away from the children, the neediest children, most of whom are living in poverty?

We don't take the earned-income tax credit away from people who go to jail and commit murder. We don't take away the earned-income tax credit from people who have defrauded the Government. We don't take the earned tax credit away from burglars, child molesters, and the rest of the individuals who commit crimes. But this amendment wants to take it from one particular group and that is legal workers.

Who are those legal workers? They are trying to provide for their families, pay the penalties, show that they are working, and go to the end of the line. Many of these children are American children. They are not undocumented. They are American children because they were born here.

I find it difficult to understand, when we are talking about individuals who are working, who want to work, will work, are trying to make a better future for themselves and their families and particularly for their children, why they should be the only class of working people in the United States who ought to be penalized. That is what the Sessions amendment would do. That is wrong and it is not fair and it should not be accepted.

Mr. President, I yield the time as I have indicated.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator KENNEDY for yielding me time.

As I think we all know, this is a long and complicated bill. An important part of this bill deals with illegal immigration—how do we make sure we stop the flow of illegal immigrants into this country; how do we finally begin to deal with employers who are knowingly hiring illegal immigrants; what do we do with 12 million people who are in this country who, in my view, we are not going to simply, in the middle of the night, throw out of this country. These are difficult and important issues.

On those issues I am in general agreement with the thrust of this legislation. But, Mr. President, I wish to tell you there are areas in this bill where I have strong disagreement, and one is the issue of legal immigration, what we are doing in terms of bringing people into this country who, in my view, will end up lowering wages for American workers right now.

Senator KENNEDY a moment ago made a very important point. He talked about the truth that in our country today we have the highest rate of child poverty of any major country on Earth. That is a national disgrace. But on top of that, we have the highest rate of poverty of any major country on Earth. In fact, since President Bush has been in office, 5 million more Americans have slipped into poverty.

Today, in our country, as many people know, the middle class is shrinking. Millions of American workers are working longer hours for lower wages. In my State of Vermont, it is not uncommon for people to work two jobs, even three jobs, to make enough income to pay their bills. According to a recent Pew-Brookings Institute study, men in their 30s earned, on average, 12 percent less in 2004 than their fathers did in 1974, after adjusting for inflation. In other words, in America, we are moving in the wrong direction. Our standard of living, in many ways, is going down. If we don't reverse trends, our kids will have a lower standard of living than we have.

Now, in the midst of all of that, we are finding many large corporations, both those who employ skilled workers—professional workers—and those who employ low-wage workers, that are coming to this body and are saying, my goodness, yes, we are outsourcing millions of decent-paying jobs; yes, we have opposed vigorously raising the minimum wage; yes, we have done everything we can to make sure workers can't form unions, but what we want to do now, because we love the American people so much and we are so concerned about the American worker, what we want to do now is bring millions of new workers into this country, both low-wage workers and professional workers.

The argument there is Americans don't want to do the work. They say: We can't find American workers to do the work. That is a crock, in many instances. It is not true. One of the groups that has come to Congress to tell us how much they are concerned about the need to find workers because they can't find Americans to do the jobs is our old friends at Wal-Mart.

As many Americans know, Wal-Mart pays low wages. They often hire people for 30 hours a week rather than 40 hours a week, and they provide minimal health care benefits. Yet Wal-Mart has come in and said: Well, we can't find the workers. Bring us in more low-wage workers.

Well, guess what. Two years ago, when Wal-Mart announced the opening of a new store in Oakland, CA, guess how many people showed up for that job in Oakland, CA, at a Wal-Mart. Eleven thousand people showed up—11,000 people showed up in Oakland—filled out applications for a job when only 400 jobs were available. Eleven thousand people for 400 jobs.

Wal-Mart says they need more low-wage workers coming in from around the world because they can't find workers. Well, that was a couple of years ago. So you might say: Well, that doesn't happen today. In January of 2006, when Wal-Mart announced the opening of a store in Evergreen Park, just outside of Chicago, in your home State, Mr. President, 24,500 people applied for 2,325 jobs. Yet Wal-Mart and their friends are coming in here saying we can't find Americans who want to work.

Let us be clear. Wal-Mart does not provide good wages, does not provide good benefits, does not provide good health care, yet we are finding many people who want to do that because

people in this country are desperate, because people in this country want to work at almost any job.

Some of the people at the other end of the economic spectrum, the people who are hiring professionals, make the same argument. There are organizations out there, including companies such as Motorola, Dell, IBM, Microsoft, Intel, and Boeing, that say the same thing: We can't find professionals to do the jobs. I find it interesting that while these companies claim they can't find workers in the United States, some of these very same companies have recently announced major layoffs of thousands of American workers.

Let me repeat that. These companies are saying we desperately need to bring workers from other countries into America because we can't find people in the United States to do these skilled jobs. Yet, at the same time, they are laying off tens of thousands of American workers.

Let me give a few examples. A few days ago, the Los Angeles Times reported Dell would be eliminating 10 percent of its workforce, slashing 8,800 jobs. Dell is part of the group saying we need to bring more professionals into America. Meanwhile, as Dell has eliminated decent-paying jobs in the U.S., it applied for nearly 400 H–1B visas last year.

But Dell is not alone. On May 31, the Financial Times reported Motorola would be cutting 4,000 jobs on top of an earlier 3,500-job reduction designed to generate savings of some $400 million. This is nothing new. Motorola has cut jobs in this country year after year after year. But guess what. Motorola, part of a group saying they can't find American workers, recently received 760 H–1B visas. That was last year.

On May 30, Reuters reported IBM would be laying off more than 1,500 American workers, bringing total layoffs to that company of 3,700 last year. In April, CBS MarketWatch reported Citigroup announced it would be laying off 17,000 workers, yet Citigroup received over 330 H–1B visas.

Here is the point, and this is not a complicated point. Many of the largest corporations in this country are supporting this legislation. And you know why? It is not because they are staying up late at night worrying about some Mexican kid in Detroit or Chicago and what will be the future of that kid. They are not worrying about that. What they want to see is a continued influx into this country of cheap labor. They are not content with outsourcing millions of good-paying jobs. They are not content with fighting against working people who want to form unions. They are not content with their opposition, successful until recently, of keeping the minimum wage at $5.15 an hour for 10 years. That is not good enough. Now they are saying: Gee, we can't move Wal-Mart from America to China, we can't move hotels to China, we can't move restaurants to China, so what is the best way to continue keeping wages low for those workers?

When I was a kid, I worked in a hotel. I was a busboy. There is nothing wrong with that job. Millions of people do that job. I resent very much the fact that many of these large corporations are continuing their war against the middle class and against the American worker. I think it is high time the Senate begins to stand up for the American worker rather than the large multinational corporations who have so much sway over what we do in this body. I would hope before an immigration bill is passed, it will respect the rights of American workers, both low-wage workers and professional workers, and say that is our major responsibility, to make sure our kids——

Mr. SESSIONS. Will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SANDERS. Mr. President, I ask unanimous consent for 1 additional minute to yield to my friend.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. My question, I guess, Mr. President, would be something like this: Perhaps it could be true that the large number of job applications received by Wal-Mart facilities is because even though Wal-Mart does not pay great wages, they do have health care benefits and job security, as opposed to construction work. Would the Senator agree that if businesses raised wages at the construction sites, if they had jobs that had a more permanent status to them, and actually offered a retirement plan and health care benefits, they might get more people willing to work at the construction sites?

Mr. SANDERS. Reclaiming my time, Mr. President, the Senator makes an important point, and that is we have all been educated that economics is about supply and demand. If you don't get the workers you want, you raise wages and you raise benefits. You don't simply open the door and bring in other workers at low wages.

The Senator makes an important point.

I thank the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. DOMENICI. Mr. President, I came to the floor tonight for a few moments to talk about the significance of the bill that is before us and the work that has been done by Senators and a couple of Cabinet members and great staff.

The American people have been telling us for many years that we are confronted with a problem that is apt to destroy our land, destroy our country, destroy our values, and that problem is that we have an inability to control our borders. We have illegal immigrants who come across our borders by the thousands who are, for the most part, interested in jobs. But after some of them get here and their jobs are procured, there are other things they bring with them or do here that make the American people very worried about our future.

I, for one, as a Senator of long standing, grow more worried every year as to whether we will ever be able to control our borders and thus control who comes in and who goes out so that we know who they are. We have heard the American people tell us this is our biggest responsibility; that if we don't secure our borders, something bad is going to happen to our country. We have heard them tell us of the horror stories that happen when some of these immigrants come here without authority, without the law on their side; they sneak in, in the dark of the night, or however they have been able to come, and then they form gangs. We have heard about how they have scared our people, hurt them, killed them, and how they fight amongst each other. Of course, I am not talking about all of them. I am saying the American people see this and say to us, can't you ever control our borders?

I want to say I think a terrific job has been done with this bill. It is not finished—there are a few more amendments that need to be considered and some time taken to review the final bill—but I believe the bipartisan group that wrote this bill under the leadership of Senator JON KYL on the Republican side and Senator TED KENNEDY on the other side, working with their best staff for months, and then both day and night for the last 2 months, have put together a piece of legislation that shows how you can work out practical differences if in fact your goal is significant and you forget about politics, you forget about party, and you begin to write a law you can be proud of.

I think we are close to that. I don't think you get there very often. Rarely do you get the opportunity to be part of such a law as a Senator. So for those who are going to vote against this bill, tonight they are saying to themselves, I think I am going to vote against it, I ask you and urge you to think of when you are going to be given an opportunity to vote on a bill, a piece of legislation that is more important than this. If we don't do it now, with your vote, when will we do it?

If for some reason this bill fails, those who cause it to fail have to ask themselves, when will we get a bill we can rely on, that we can trust, which is put together by good, practical people who resolved issues in a practical manner by working on the issues that are now confronting us, which are that our borders are wide open and we have no control over what is happening.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOMENICI. Mr. President, I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I am certain if, after we pass legislation such as this, we provide the resources that are needed—and that is very important, and I think we are providing a means and a manner for resources to go to the border in this bill—and, secondly, if we annually make sure the resources and manpower are there to implement this law—because it will require much by way of manpower, much by way of technology—if we give this law that, we will return to say this was a historic event. Indeed, we will have done something good for America and good for our children. Something good for the families of existing immigrants, good for immigrants who are coming in the future and their families, who will also be permitted. We will also look for merit in those who are coming to help America, which is competing in a very difficult world.

I am very proud to be on the side of those who are trying to maintain the measure intact, or practically intact, because you can't do much better than was done by this hard-working bipartisan group. The more you try to change it, the more you risk losing it. When you end up thinking what did you lose it for, you end up really wondering whether you did right for your country.

I urge that we move as fast as we can, giving Senators an opportunity, those who need it, and, yes, saying we are going to pass it soon—I don't know about tomorrow or the next day but certainly send to our leader a message that if you will give us an opportunity to call up a few more amendments, it will get accomplished.

I look forward to more debate, more amendments.

Mr. MENENDEZ addressed the Chair.

The PRESIDING OFFICER. Who yields time? Who yields to the Senator? If no Senator yields time, then the time will be divided equally between both sides.

The Senator from New Jersey.

Mr. MENENDEZ. I suggest the absence of a quorum and ask unanimous consent that it be equally charged.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

AMENDMENT NO. 1345

Mrs. DOLE. Madam President, I ask that at the conclusion of the consented time and the stacked votes, I be recognized to call up my amendment No. 1345 and that after 2 minutes of consideration, the amendment be laid aside.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Who yields time to the Senator? At this time, the Senator from Alabama controls 17 minutes and the Senator from Texas 12.

Mr. SESSIONS. Is there any other time left?

The PRESIDING OFFICER. There is not at this time.

Mr. SESSIONS. I will be pleased to yield to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, I am very concerned that amendments to this bill are being limited because there are many issues that deserve attention in this debate. For instance, in my home State of North Carolina, we have had a number of fatal automobile accidents caused by an intoxicated person who was in the United States illegally. Sadly, just yesterday morning on Interstate 40 near Raleigh, a man was killed on his way to work when his vehicle was struck by an SUV barreling across the median. The SUV driver, according to initial news reports, is an illegal alien, who now faces a number of criminal charges, including DWI.

In several of these incidents, the illegal alien driver has a record of DWI, sometimes repeated offenses, but has been caught and released. Just this past March, in Johnston County, NC, a 9-year-old boy and his father lost their lives in an accident caused by an intoxicated driver who had been convicted twice of drunken driving and had an outstanding warrant stemming from a probation violation—and he was in the United States illegally. Another tragic case was the death of Scott Gardner, a Gaston County school teacher, who was killed in 2005 by a drunk driver—a driver who was an illegal alien with five previous DWI charges. I want to thank my colleague RICHARD BURR who introduced the Scott Gardner Act to deal with this serious issue, and on the House side, my good friend SUE MYRICK has been a true leader on this front.

I hear from many North Carolinians who ask me what is Washington doing to stop this from happening. When are we going to take action to make our communities safer.

Such senseless tragedies are not unique to North Carolina. Automobile accidents caused by intoxicated illegal aliens are occurring around the Nation—too often killing innocent people who are just going about their daily lives, or leaving the victims with crippling, disabling injuries.

It is a privilege, not a right, for an immigrant to receive legal status to live in the United States of America. My amendment would ensure that this privilege is not granted to an illegal alien with a DWI conviction.

No question, our DWI laws should be vigorously enforced, regardless of the offender's immigration or citizenship status.

My amendment addresses an all too prevalent problem and should be considered. There are a number of other amendments that deserve a place in this debate. The bill we are considering would have enormous ramifications for nearly every American, as well as those who want to work in this country or become American citizens. We must do our due diligence and not rush this bill through. The majority in this body must not stifle the voice of the minority Members. More amendments must be considered.

I yield back my remaining time to Senator SESSIONS, the Republican manager.

Mr. SESSIONS. I thank Senator DOLE for her insight, sharing that important information, and for offering an amendment and demonstrating once again that good amendments dealing with very important issues are not being allowed to be considered. This is not a free and open debate. This is not a free opportunity to amend. The majority leader is controlling his machinery, the train is moving down the track, and very few amendments are being approved.

I have offered and filed quite a number. I have only gotten two amendments, and I said at the beginning that only one would be voted on. We are having the first vote on one I have offered.

Madam President, I ask unanimous consent—I see my colleague, Senator KENNEDY, here—I ask unanimous consent that the pending business be set aside and I be allowed to call up amendment No. 1253.

The PRESIDING OFFICER. Is there objection?

Mr. LIEBERMAN. On behalf of Senator KENNEDY, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Madam President, we have quite a number of other amendments. That is what we are going to hear when we offer any of them because we now have a cloture motion filed. If cloture is obtained and you don't have an amendment pending, you can't get a vote on it. We know what the game is, and it is not a free, open debate on one of the most important bills in the time that I have been in the Senate that we are considering today.

I would like to share a few more thoughts. Maybe I will have a few minutes left for Senator LIEBERMAN. I know he wants more time than he has gotten so far. Senator KENNEDY is maneuvering for me to give him some of my time and maybe I will be able to do that.

The earned-income tax credit will not be taken away from people who are illegally in the country today if my amendment is passed. The earned-income tax credit is a credit given to working individuals who have lower incomes to encourage people to work. That is what it is all about. It is for Americans and people legally here.

So what I propose is that we do not provide this, on average, almost $2,000-per-year paycheck from the U.S. Government, to people who came into the

country illegally and were given this probationary card status through their Z card status.

I am not offering an amendment to take the earned-income tax credit away after they become legal permanent residents. So if they become a legal permanent resident, they would be entitled to have the earned-income tax credit.

Last year I offered an amendment that said that you would not get the earned-income tax credit until you became an actual citizen. That was voted down. Why? I still am not sure. I still don't think that was a good vote. But at least we ought not to give this credit to someone who was here illegally a few days ago, and now we give them some sort of probationary status and they immediately start getting paychecks from the Federal Government.

I don't think that is what this system is about. People would be given a great thing. They would be given amnesty, they would be able to stay in the country legally, continue to work, and any family gets to stay with them. All of this is in this piece of legislation.

A lot of people think that is too generous, but that is what this legislation does. The next question is: What else do they obtain by virtue of having this legal status bestowed on them when they were illegal? They are not receiving the earned-income tax credit now. It is not something that is being taken away from them. It is a question of when are we going to bestow that additional benefit on people who were in our country illegally and how much of an incentive does this payment to them create for other people who want to come into our country illegally?

That is some of the confusion we have. In my view, the first thing you do to reduce the flow of illegal immigration into the country is to quit rewarding it by Federal largesse. That is the first thing. If you cannot go out and arrest everybody—and that is not practical—and we are not going to do these other things, at least don't give people extra financial benefits as a reward to coming into our country illegally.

I am very concerned about that. I think that it is not a little bitty matter because the—Madam President, I would ask that I be notified when there is 5 minutes remaining.

The PRESIDING OFFICER. The Senator will be notified.

Mr. SESSIONS. So what I would say to my colleagues is, this is going to cost a lot of money. You do not have to be trained in economics to understand that money comes from somebody. Who does the money come from? It comes from American workers and taxpayers, many of whom are having their wages depressed as a result of this huge flow of illegal labor. They are being asked to pay an earned-income tax credit check of $1,800, on average, to individuals who were illegal a few months before and possibly still have not completed the full background check. They still may not have completed the process to go to even a Z visa. Then they may be in a Z visa status for some time.

I know it is said it is not amnesty because they have to pay a fine. How much is the fine? $1,000. They pay a $1,000 fine. Well, they do not actually pay a $1,000 fine. When they get this probationary status visa, they only pay $200. They pay the rest of it on an installment. Nobody has stated and set out how they are going to pay it. Presumably, they can pay it for 8 years or more.

So a person here illegally under the legislation that is now before us, that person would obtain legal status in the country, be able to work, and would then be entitled to receive an earned-income tax credit.

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. SESSIONS. So they would receive that earned-income tax credit, which would be, on average, almost $2,000, and they would pay only $200. Now, that is a pretty good deal, if you can get it, it seems to me. It is not necessary. It is not necessary as a matter of law, and it is not necessary as a matter of morality. It is certainly contrary to sound principles of Government. We should not do that.

I urge my colleagues to support this amendment. It is an amendment that would impact our Treasury by perhaps, according to the Congressional Budget Office, $10 billion in the next 10 years—$10 billion. So it is quite a sizable chunk.

Madam President, I see my friend, Senator LIEBERMAN is here. I yield the remainder of the time I have left to him. How much time remains?

The PRESIDING OFFICER. There is 3½ minutes.

The Senator from Connecticut.

AMENDMENT NO. 1191

Mr. LIEBERMAN. Madam President, I thank my friend, Senator SESSIONS. I appreciate his kind gesture. That brings me back within 30 seconds of what I originally had. I appreciate that.

I am going to speak on amendment No. 1191, which is set down for a vote this evening. This is an amendment that would improve our Nation's treatment of asylum seekers, that is, people who come to our shores seeking refuge from persecution they have suffered in their home countries based on race, religion, nationality or political conviction.

As far as I know, this is the only amendment on the treatment of those seeking asylum that will be considered as part of this comprehensive immigration legislation. I offer this amendment because the Congressionally chartered Commission on International Religious Freedom has told us that our country, our Government, is failing in its historic duty to those ''longing to breathe free'' from the Statue of Liberty.

I believe, as the Commission outlined, we can address this serious challenge at very little expense, with no adverse affect on our Nation's security, and without impairing immigration enforcement operations. It is the right thing to do. It is consistent with our best values in our history. In fact, as you know, our Founding Fathers understood the Nation's role to be not just a haven for those seeking freedom but a haven for those seeking freedom from persecution.

Thomas Jefferson once likened the United States to a ''New Canaan,'' the Biblical Canaan in mind, where victims of persecution, and I am quoting here, ''will be received as brothers and secured against like oppressions by a participation in the right of self-government.''

That is exactly what America has become. To the great benefit of this country, some of the greatest Americans in our history came here as refugees seeking asylum from persecution. Nobel Laureates Albert Einstein and Thomas Mann became neighbors in Princeton, NJ. Henry Kissinger and Madeline Albright came with their families to the United States, fleeing from the Nazis and Communists, respectively, and went on, of course, to become Secretaries of State.

If I might, on a point of personal privilege say, most special to me, on a day in 1949, then a child, my wife, Hadassah Freilich Lieberman, came here with her parents seeking asylum from Communist Czechoslovakia. This national duty to those fleeing persecution is emblazoned in a particular stanza on the Statue of Liberty that says:

Here at our sea-washed, sunset gates shall stand
A mighty woman with a torch, whose flame is the
imprisoned lightning,
And her name . . . Mother of Exiles.

Yet despite that lofty sentiment, too often today we are apparently turning asylum seekers away without the proper hearings guaranteed them by law, or confining them in prison conditions alongside convicted criminals while their cases are pending. That is what the U.S. Commission on International Religious Freedom has reported to Congress. This group was established, I am proud to say, in 1998, pursuant to legislation I introduced along with then-Senator Nickles and still, fortunately, Senator SPECTER.

It was aimed at strengthening our Government advocacy on behalf of individuals around the world who were being persecuted for their faith. Congress in the year that we established the Commission on International Religious Freedom also expressed its concern that recently enacted expedited removal procedures might be causing our own Government to mistreat victims of oppression, religious oppression, who came to the United States seeking asylum.

To find out if this was happening, Congress directed the newly established Commission to study the treatment of asylum seekers. The Commission conducted a comprehensive investigation and released a report in February of 2005 that was quite critical of the procedures of the Department of Homeland Security.

The report's recommendations were reasonable and straightforward. Unfortunately, 2 years passed. I persistently asked officials at the Department of Homeland Security when it would respond to the report and was always told the same: The recommendations are under review.

It appeared that little or nothing was being done. In fact, this February, 2007, the Religious Freedom Commission itself issued a blistering report 2 years after its initial report in which it gave out grades. The Customs and Border Patrol Agency received an F with respect to its treatment of asylum seekers. The Immigration and Customs Enforcement Agency received mostly Fs, and an overall grade of D. The Department of Homeland Security itself generally received an overall grade of D as well in its treatment of those claiming to be coming to America to seek asylum from persecution—religious, racial, nationality or based on political conviction.

That is unacceptable. Remember it was Congress that originally expressed concern about the treatment of asylum seekers. It was Congress that directed the Commission it had created to study whether there is a problem, was a problem, and now, in this Congress, as part of this comprehensive immigration reform bill, it must be Congress that will fix the problems the Commission has found.

That is why I introduced separate legislation earlier this year and then filed this amendment. I am pleased to say it appears I have come to some agreement with the Department of Homeland Security on a modified version of the amendment which I hope will be broadly supported by my colleagues.

It implements the recommendations of the U.S. Commission on International Religious Freedom and will improve our treatment of those who come to our shores claiming they seek asylum from persecution.

We have made a number of changes to address the concerns the Department of Homeland Security brought to us. I am pleased to describe them briefly.

The Commission on Religious Freedom found that too often the Department of Homeland Security was returning asylum seekers to countries where they were persecuted without giving them a chance to adequately make their case that they had a credible basis for their claims of persecution. Often employees of the Department of Homeland Security were failing to even ask these asylum seekers if they feared persecution, as required by Department procedures, before they were removed. This amendment would require what might be called simple quality assurance procedures so that the Department of Homeland Security can ensure its practices comply with its policies.

Secondly, virtually all the defense facilities the Department of Homeland Security uses are run as maximum security prisons, and in many cases those seeking asylum in this country, because they claim to be fleeing countries that were persecuting them, those detainees are forced to share cells with convicted criminals in maximum security prisons, sometimes in county jails. This is not appropriate for asylum seekers and other detainees who are not criminals and are not being criminally prosecuted. This amendment would require better Department of Homeland Security standards for those detention facilities to make them more consistent with our best values and the words that are emblazoned on the Statute of Liberty. This amendment would also encourage the development of more appropriate facilities for asylum seekers and families with children. These would be modeled after two secure but less restrictive facilities that the Department of Homeland Security already operates, one in Florida and the other in Pennsylvania.

The amendment will also encourage the expansion of secure alternatives to detention such as supervised release programs. Congress has already funded programs of this kind, and they have been successful. The amendment ensures the Department of Homeland Security will conduct vigorous oversight of the detention facilities it uses so the facilities, in fact, are complying with Department standards.

It is time we put in place and enforce safeguards to ensure people fleeing persecution are treated humanely and in accordance not just with our Nation's laws but with our best values.

I thank the Chair.

The PRESIDING OFFICER. The time of the Senator has expired.

AMENDMENT NO. 1191, AS MODIFIED

Mr. LIEBERMAN. I have a modification to the amendment, which I send to the desk at this time.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

Subtitle ____ASYLUM AND DETENTION SAFEGUARDS

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. DEFINITIONS.

In this subtitle:

(1) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(2) DETAINEE.—The term ''detainee'' means an alien in the custody of the Department of Homeland Security who is held in a detention facility.

(3) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(4) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning given that term in section 208.31 of title 8, Code of Federal Regulations.

(5) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

SEC. ____03. RECORDING EXPEDITED REMOVAL INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures and take steps to effectively ensure that questions by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)) are asked in a standard manner, and that both these questions and the answers provided in response to them are recorded in a uniform fashion.

(b) FACTORS RELATING TO SWORN STATEMENTS.—Where practicable, as determined by the Secretary in his discretion, any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) EXEMPTION AUTHORITY.—

(1) IN GENERAL.—Subsection (b) shall not apply to interviews that occur at facilities, locations, or areas exempted by the Secretary pursuant to this subsection.

(2) EXEMPTION.—The Secretary or the Secretary's designee may exempt any facility, location, or area from the requirements of this section based on a determination by the Secretary or the Secretary's designee that compliance with subsection (b) at that facility would impair operations or impose undue burdens or costs.

(3) REPORT.—The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(d) INTERPRETERS.—The Secretary shall ensure that a competent interpreter, not affiliated with the government of the country from which the alien may claim asylum, is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

(e) RECORDINGS IN IMMIGRATION PROCEEDINGS.—Recordings of interviews of aliens subject to expedited removal shall be included in the record of proceeding and may be considered as evidence in any further proceedings involving the alien.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___04. OPTIONS REGARDING DETENTION DECISIONS.

Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security''; and

(ii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) in subsection (b), by striking ''Attorney General'' and inserting ''Secretary'';

(3) in subsection (c)—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,''; and

(4) in subsection (d)—

(A) in paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' each place it appears and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security''.

SEC. ___05. REPORT TO CONGRESS ON PAROLE PROCEDURES AND STANDARDIZATION OF PAROLE PROCEDURES.

(a) IN GENERAL.—The Attorney General and the Secretary of Homeland Security shall jointly conduct a review and report to the appropriate Committees of the Senate and the House of Representatives within 180 days of the date of enactment of this Act regarding the effectiveness of parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts. The report shall include the following:

(1) An analysis of the rate at which release from detention (including release on parole) is granted to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts throughout the United States, and any disparity that exists between locations or geographical areas, including explanation of the reasons for this disparity and what actions are being taken to have consistent and uniform application of the standards for granting parole.

(2) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's pursuit of their asylum claim before an immigration court.

(3) An analysis of the effect of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary on the alien's physical and psychological well-being.

(4) An analysis of the effectiveness of the procedures and policies applied with respect to parole and custody determinations both by the Attorney General and the Secretary in securing the alien's presence at the immigration court proceedings.

(b) RECOMMENDATIONS.—The report shall include recommendations with respect to whether the existing parole and custody determination procedures applicable to aliens who have established a credible fear of persecution and are awaiting a final determination regarding their asylum claim by the immigration courts should be modified in order to ensure a more consistent application of these procedures in a way that both respects the interests of aliens pursuing valid claims of asylum and ensures the presence of the aliens at the immigration court proceedings.

SEC. ___06. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary of Homeland Security, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for aliens awaiting a credible fear of persecution interview or an interview related to a reasonable fear of persecution or torture determination under section 241(b)(3).

SEC. ___07. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to comply with the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to prevent detainees from being subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests, the safety of officers and other detainees, or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Essential medical care provided promptly at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(B) EXCEPTION.—A detention facility that is not operated by the Department of Homeland Security or by a private contractor on behalf of the Department of Homeland Security shall not be required to maintain current accreditation by the NCCHC or to seek accreditation by the JCAHO.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Frequent access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR SPECIFIC POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of—

(A) victims of persecution, torture, trafficking, and domestic violence;

(B) families with children;

(C) detainees who do not speak English; and

(D) detainees with special religious, cultural, or spiritual considerations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations described in paragraph (1).

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) aliens who have established credible fear of persecution;

(B) victims of torture or other trauma and victims of persecution, trafficking, and domestic violence; and

(C) families with children, detainees who do not speak English, and detainees with special religious, cultural, or spiritual considerations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility,

whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___08. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator. At the discretion of the Secretary, the Administrator of the Office shall be appointed by, and shall report to, either the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement. The Office shall be independent of the Office of Detention and Removal Operations, but shall be subject to the supervision and direction of the Secretary or Assistant Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of the enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake regular and, where appropriate, unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a confidential written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) conduct any review or audit relating to detention as directed by the Secretary or the Assistant Secretary;

(C) report to the Secretary and the Assistant Secretary the results of all investigations, reviews, or audits; and

(D) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Assistant Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the completed investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of—

(I) each detention facility found to be in noncompliance with the standards for detention required by this subtitle; and

(II) the actions taken by the Department to remedy any findings of noncompliance or other identified problems; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___09. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—In facilitating the development of the secure alternatives program, the Secretary shall have discretion to utilize a continuum of alternatives to a supervision of the alien, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(c)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—In developing the secure alternatives program, the Secretary shall take into account the extent to which the program includes only those alternatives to detention that reasonably and reliably ensure—

(i) the alien's continued presence at all future immigration proceedings;

(ii) the alien's compliance with any future order or removal; and

(iii) the public safety or national security.

(C) CONTINUED EVALUATION.—The Secretary shall evaluate regularly the effectiveness of the program, including the effectiveness of the particular alternatives to detention used under the program, and make such modifications as the Secretary deems necessary to improve the program's effectiveness or to deter abuse.

(4) CONTRACTS AND OTHER CONSIDERATIONS.—The Secretary may enter into contracts with qualified nongovernmental entities to implement the secure alternatives program and, in designing such program, shall consult with relevant experts and consider programs that have proven successful in the past.

SEC. ___10. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—To the extent practicable, the Secretary shall facilitate the construction or use of secure but less restrictive detention facilities for the purpose of long-term detention where detainees are held longer than 72 hours.

(b) CRITERIA.—In pursuing the development of detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities; and

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have frequent access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—In any case in which release or secure alternatives programs are not a practicable option, the Secretary shall, to the extent practicable, ensure that special detention facilities for the purposes of long-term detention where detainees are held longer than 72 hours are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) part of a family with minor children;

(2) a victim of persecution, torture, trafficking, or domestic violence; or

(3) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

(f) NO PRIVATE RIGHT OF ACTION.—Nothing in this section shall be construed to create any right, benefit, trust, or responsibility, whether substantive or procedural, enforceable in law or equity by a party against the United States, its departments, agencies, instrumentalities, entities, officers, employees, or agents, or any person, nor does this section create any right of review in any administrative, judicial, or other proceeding.

SEC. ___11. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. LIEBERMAN. Madam President, it is my understanding that based on the agreement we have reached after negotiation with the Department of Homeland Security, the Senate is prepared to agree to the amendment. I ask unanimous consent that occur.

The PRESIDING OFFICER. Is there objection? Without objection, the amendment, as modified, is agreed to.

The amendment (No. 1191), as modified, was agreed to.

Mr. LIEBERMAN. Madam President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LIEBERMAN. This will mean the amendment now listed as No. 6 of those

to be voted upon would no longer have to be voted upon.

The PRESIDING OFFICER. The Senator from Texas has the remainder of the time.

AMENDMENT NO. 1250

Mr. CORNYN. Madam President, I rise to speak in favor of my earlier amendment which would take the blinders off law enforcement personnel when it comes to investigating fraud and other wrongful and even criminal conduct on the part of those who are claiming an advantage under this legislation, as well as third parties who might be implicated in fraud or other criminality.

I would first like to respond to Senator KENNEDY's comments, and then I want to speak to the Menendez amendment briefly. Senator KENNEDY earlier claimed my amendment eliminated all kinds of protections of confidentiality. He said he provided a level of protection of confidentiality for individuals so it will encourage them to come forward and file their applications for Z visas, and he is worried if we allow law enforcement access to that information to investigate third party fraud or other criminality, the applicants for the Z visas will not be willing to come forward.

It should be noted that my amendment does not eliminate all protections. It simply ensures law enforcement has access to information for those who cannot qualify for Z status under the terms of the underlying bill, including those who are criminals and absconders who have reflected their prior disregard for our laws. Also, despite Senator KENNEDY's claim, their proposal still protects information for aliens who have committed crimes but have not been convicted and are denied Z status. My amendment would make that information available to law enforcement personnel in the discharge of their official duties.

Furthermore, the distinguished Senator from Massachusetts acknowledges there was fraud in sworn affidavits and claims.

He said he is now alluding to the 1986 fraud under the agricultural amnesty bill that I mentioned in my earlier remarks and which were the subject of a New York Times article dated November 12, 1989. He said we took action in this legislation to fix it.

First, let me express my appreciation to the Senator for acknowledging that the third party affidavits that were used to qualify for benefits in 1986 were a large source of fraud.

I see nothing in the bill that would ensure that fraudulent sworn affidavits, especially those provided by third parties, are accessible to law enforcement to prosecute the fraud.

This type of fraud remains protected and thus we haven't come very far from the problems we encountered in the 1986 amnesty.

Senator KENNEDY says we must guarantee confidentiality.

He said:

If we expect individuals to participate in that system, we have to guarantee their confidentiality. It's enormously important. This system isn't going to function and work unless we do.

What my esteemed colleague is essentially saying is, we need to protect those who have violated our laws, even committed felonies and other crimes for which they have not yet been convicted, because they would not come out of the shadows and register.

The point is, it is more than just coming out of the shadows. It is giving legal status to a person who has arguably violated our laws and put them on a path to citizenship, denying law enforcement the opportunity to investigate and to prosecute where appropriate.

Further, we are essentially binding the hands of law enforcement because even if they wanted to prosecute these individuals and remove them from the country, they couldn't get the evidence needed to make the case, nor could they remove the person because by merely applying for Z status, they get the protection from removal.

Is that really what we want to say to our country about who should be permitted to remain in the United States? I think not. Nothing in my amendment would affect the ability of those who have entered the country in violation of our immigration laws or who have simply overstayed their visa or even those who have produced false documents in order to gain access to work. My amendment would not even address any of those individuals. This present amendment would not do that.

But, surely, we want to remove the cloak of confidentiality, the blinders, from our law enforcement personnel that would allow them to investigate cases of fraud, wrongful conduct, and other criminality.

I remain flabbergasted that the proponents of this bill would embrace this sort of provision. I would think what they would want to do is restore public confidence that we are actually reestablishing the rule of law when it comes to this broken immigration system. If anything, this serves to confirm the worst fears of skeptics about this bill because, frankly, it does nothing but confirm their worst fears that this is a vehicle for perpetuating the same sort of mistakes we encountered in the 1986 legislation, but apparently those lessons were not learned.

AMENDMENT NO. 1194

I want to speak briefly about the amendment offered by Senator MENENDEZ while he is on the Senate floor regarding those who want to immigrate to our country, but particularly those who have respected our laws and who have waited patiently in line.

I am particularly troubled by the situation that his amendment is designed to remedy because the proponents of the underlying bill have said: We are not going to allow any line jumping. We are going to provide an opportunity for those who have violated the law to get right with the law, but we are not going to do so to the detriment of people who have followed the rules and waited patiently in line, expecting that their application for a visa or legal permanent residency would be acted on. As I said before the recess, this is a very important principle to me. It is a matter of fundamental fairness and crucial to the integrity of not only our immigration system but our entire legal system. It would be extremely unfair to allow someone who has not respected our laws to be able to obtain a green card before someone who has respected our laws and waited in line for a chance to enter the country legally.

I am not talking about the claim that those who wait in line legally have to do it in their home country while someone who is here illegally and obtains a Z card can wait in country. That certainly is an issue. Those who are here illegally are getting the advantage over and above those who have made the decision to obey our laws waiting patiently outside the country. Even Secretary Chertoff, a key negotiator of the compromise, admits in a USA Today article that there is a ''fundamental unfairness'' anytime illegal immigrants are permitted to stay in country, while those who have respected our laws wait patiently outside of the country. I am afraid we make what even Secretary Chertoff admits is a ''fundamental unfairness'' that much more unfair in the underlying bill. To their credit, proponents of this compromise have stated that the proposal would not allow anyone who came here illegally to obtain their green card until everyone who chose to follow the law gets their green card. That is a laudable goal, and that should be our goal. But to achieve this goal, the compromise arbitrarily sets the cutoff date for legally ''being in line'' at May 1, 2005, while setting the date for the end of the line for those illegally here at January 1, 2007.

As an illustration, this means someone who chose to respect our immigration laws, chose not to enter illegally, and filed the proper immigration paperwork on June 1, 2005, is not considered to be ''in line'' under the terms of this bill, while someone who decided not to respect the laws and enter illegally on the same date can obtain a Z status and ultimately secure American citizenship.

My staff has met with a number of groups who have focused on this particular problem. I know Senator MENENDEZ has been listening to their same concerns. The Asian American Justice Center in particular has made compelling arguments that declaring the end of the line for legal immigration as May 1, 2005, is unfair. Other groups, including the Interfaith Immigration Coalition, the Jewish Council for Public Affairs, the U.S. Conference of Bishops, the Mexican American Legal Defense and Education Fund have written to my office to explain that those people who played by the

rules and applied after May 1, 2005, will not be cleared as part of the family backlog pursuant to the terms of the bill and will lose their chance to immigrate under current rules and be placed in line behind Z visa applicants. Some of these groups report that more than 800,000 people who have patiently waited in line will in essence be kicked out of the line.

I understand the Menendez amendment will be voted on soon. It addresses an important issue, ensuring that those who decided to abide by the laws will not be disadvantaged simply because they chose not to come here illegally.

As I said, I have been struggling with this over the past couple weeks because this is a matter of fundamental fairness. So I continue to consider this amendment. I know others are likewise considering it.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Madam President, I thank the Chair and yield the floor.

AMENDMENT NO. 1250

The PRESIDING OFFICER. There will now be 2 minutes equally divided on amendment No. 1250.

Who yields time?

The Senator from Texas.

Mr. CORNYN. Madam President, I understand we have 2 minutes equally divided before the vote.

Simply stated for my colleagues, my amendment would remove the blinders that would prevent law enforcement from investigating and prosecuting wrongful conduct, including fraud and criminality.

I would think if there is one thing we learned from the 1986 amnesty, this type of confidentiality provision, if it protects any information to be gleaned from the applications of those who have actually been denied Z visas, it would be that we should pursue and support this kind of amendment which would help law enforcement and, even more importantly, help restore public confidence that we are not playing games with them but that we are actually serious about restoring the rule of law when it comes to our broken immigration system.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, the Cornyn amendment attacks the whole issue of confidentiality for these undocumented aliens. If the Cornyn amendment is adopted, there are no individuals who are going to register for any of these programs—none—because all their information will be available.

This is a report-to-deport amendment. How are you going to convince individuals to come in and register for the Z visa program or any of the programs if they know all of their information is going to go to the Immigration Service and every other agency?

With regard to criminality, with regard to terrorism, with regard to all the fraud and all the abuse, we have put in here careful protections. Those kinds of protections are supported by JON KYL, by other Republican Members, and by all of us here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KENNEDY. If you accept the Cornyn amendment, it effectively undermines all confidentiality.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I appreciate everyone allowing me to say a few words before the vote starts. We have six votes that will take place. Any minute, the votes will start. We worked out an agreement—tentative in nature, but I think it is fairly firm—we will have six more votes tonight. I want to alert Members we will have more votes tonight. It could be a late night, for sure.

When that is all completed, we will have had—I do not know the exact number—35 votes, or something like that, and it is evenly divided between Democrats and Republicans. There is one vote difference as to who offered the amendment. But I think we have made a lot of progress.

I hope people feel they are having an opportunity to have their voices heard in this regard. Within a short few votes, we will certainly have had more votes than we had last year. I am not sure that is a good guide for anything, but that is at least what we will be able to show everyone. I hope people would be able to see that the end is in sight.

Remember, if cloture is invoked on this matter, we will have 30 hours more of amendments. As I have indicated to my friend, the distinguished junior Senator from Arizona and others, upon being asked the question whether all these postcloture votes would take place, the answer is, we are not going to be blocking any people from voting on germane amendments.

I hope everyone understands it will be a late night tonight, and we will start early in the morning.

Mr. CORNYN. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Cornyn amendment No. 1250.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The PRESIDING OFFICER (Mr. TESTER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 39, as follows:

[Rollcall Vote No. 190 Leg.]

YEAS—57

Alexander	DeMint	McCaskill
Allard	Dole	McConnell
Baucus	Domenici	Murkowski
Bennett	Dorgan	Nelson (NE)
Bond	Ensign	Pryor
Brownback	Enzi	Roberts
Bunning	Graham	Rockefeller
Burr	Grassley	Sessions
Byrd	Gregg	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Coleman	Isakson	Stevens
Collins	Klobuchar	Sununu
Conrad	Kyl	Tester
Corker	Lincoln	Thune
Cornyn	Lott	Vitter
Craig	Martinez	Voinovich
Crapo	McCain	Warner

NAYS—39

Akaka	Feinstein	Mikulski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Kennedy	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Salazar
Cardin	Lautenberg	Sanders
Carper	Leahy	Schumer
Casey	Levin	Stabenow
Clinton	Lieberman	Webb
Durbin	Lugar	Whitehouse
Feingold	Menendez	Wyden

NOT VOTING—3

Dodd	Johnson	Kerry

The amendment (No. 1250) was agreed to.

AMENDMENT NO. 1331

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on the Reid amendment, No. 1331.

Mr. REID. Mr. President, the earned-income tax credit is an important program that benefits low-income workers with children who are legally working in this country. Those working illegally in this country are ineligible for the earned-income tax credit.

This amendment makes it perfectly clear that nothing in the bill changes the prohibition of an illegal alien's access to the earned-income tax credit. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. SESSIONS. Mr. President, this is not a cover vote. It is not a cover vote at all. It leaves the bill exactly as it was. The problem with the legislation is that those people who are today illegal and would be made legal through the probationary status visa or the Z visa would be entitled to receive the earned-income tax credit, which is, on average, nearly $1,800 per recipient. That earned-income tax credit is a direct payment from the taxpayers of America.

This amendment—unlike the vote you cast last year when I raised it—would allow the earned-income tax credit when you get a green card but not when you are on a Z visa or probationary visa. So this is less far-reaching than the amendment I offered last year.

I urge that this amendment not be accepted.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 1331.

Mr. KENNEDY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—57

Akaka	Feinstein	Murray
Baucus	Grassley	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Biden	Harkin	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Brownback	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Landrieu	Sanders
Cardin	Lautenberg	Schumer
Carper	Leahy	Smith
Casey	Levin	Specter
Clinton	Lieberman	Stabenow
Collins	Lincoln	Tester
Conrad	Lugar	Voinovich
Dorgan	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feingold	Mikulski	Wyden

NAYS—40

Alexander	DeMint	McCain
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Graham	Shelby
Chambliss	Gregg	Snowe
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Coleman	Inhofe	Thune
Corker	Isakson	Vitter
Cornyn	Kyl	Warner
Craig	Lott	
Crapo	Martinez	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1331) was agreed to.

AMENDMENT NO. 1234

The PRESIDING OFFICER. There is now 2 minutes equally divided before the vote on the Sessions amendment No. 1234.

Who yields time?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, who is eligible for the earned-income tax credit? Legal workers. They work. Who are the beneficiaries of the earned-income tax credit? Ninety-eight percent of it goes to poor children. What country in the world has the greatest percent of poor children? The United States of America. Ninety-eight percent of the benefits of the earned tax credit go to poor children, and many of them are American children.

In the history of the Internal Revenue Code, we have never excluded a class. We have treated everyone equally. The Sessions amendment for the first time in the history of the United States of America is going to say: Workers who are here legally are going to be denied the earned-income tax credit that can benefit their children who are looking for a better future.

I hope the Sessions amendment will be defeated.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama.

Mr. SESSIONS. Mr. President, the earned-income tax credit was designed and has been in effect as a support for American workers. That is what it is. Four million people who do not have children receive it.

This amendment says those people who are here illegally today who are made legal under this bill through the Z visa or the probationary status who have not yet obtained legal permanent residence would not get this benefit. The people are supposed to pay a fine, $1,000. They only have to pay $200. They pay that $200 fine, sign up, and they get a $2,000 earned-income tax credit, which is basically a check from the United States Government.

The people who are here illegally would be, under this bill, made legal, be allowed to work. They are not receiving earned-income tax credit today. There is no moral, legal, or principled reason to give them that in the future until they become a legal permanent resident.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. KENNEDY. I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 1234.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 56, nays 41, as follows:

[Rollcall Vote No. 192 Leg.]

YEAS—56

Alexander	Dole	McCain
Allard	Domenici	McCaskill
Baucus	Dorgan	McConnell
Bayh	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Bunning	Grassley	Roberts
Burr	Gregg	Rockefeller
Byrd	Hatch	Sessions
Chambliss	Hutchison	Shelby
Coburn	Inhofe	Stabenow
Cochran	Isakson	Stevens
Coleman	Klobuchar	Sununu
Conrad	Kyl	Tester
Corker	Landrieu	Thune
Cornyn	Lincoln	Vitter
Craig	Lott	Voinovich
Crapo	Lugar	Warner
DeMint	Martinez	

NAYS—41

Akaka	Brownback	Clinton
Biden	Cantwell	Collins
Bingaman	Cardin	Durbin
Boxer	Carper	Feingold
Brown	Casey	Feinstein
Hagel	Lieberman	Sanders
Harkin	Menendez	Schumer
Inouye	Mikulski	Smith
Kennedy	Murray	Snowe
Kerry	Nelson (FL)	Specter
Kohl	Obama	Webb
Lautenberg	Reed	Whitehouse
Leahy	Reid	Wyden
Levin	Salazar	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1234) was agreed to.

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. SESSIONS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1194

The PRESIDING OFFICER. There is now 2 minutes evenly divided before the vote on the Menendez amendment, No. 1194.

Who yields time?

The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, under the bill before us, U.S. citizens have less rights than an undocumented alien. The base bill says, you break the law, you get benefits up to January 1, 2007. You follow the rule of law, and your right as an American citizen to claim your family, for which you have already submitted a petition, is extinguished as of May 1, 2005. That is fundamentally wrong.

How do we promote the rule of law when we say to a U.S. citizen, who has already applied for their family member waiting abroad, paid their fees, the government has collected them, their application has been approved, they followed the rules and obeyed the law, that they have an inferior right—an inferior right—to someone who did not follow the rules and crossed the border and who will ultimately receive a benefit superior to that of a U.S. citizen who is claiming their family?

Why do we tell the family of the U.S. citizen to go to the back of the line behind people who violated the law? This is a vote about family values and family reunification. This is a vote about the rule of law. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Arizona.

Mr. KYL. Mr. President, first of all, this is an amendment that would enable people to enter the United States and become immigrants, green card holders, and eventually citizens, who, under the current law, have no expectation of ever getting those rights because they are in categories or are from countries in which the waiting line is so long that they would never, ever be able, under existing law, to become a U.S. citizen.

In addition, because it would allow several hundred thousand immigrants to come into this country who would not otherwise be legal under existing law, there are three budget points of order, and, therefore, at the conclusion

of these remarks, I will be making a budget point of order. I hope my colleagues agree that we should not waive the budget under these circumstances.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I make a point of order that the pending amendment, No. 1194, to S. 1348, violates section 201, the pay-as-you-go point of order of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. MENENDEZ. Mr. President, I regret that we have started down this road. I move to waive section 201 of the concurrent resolution for purposes of the pending amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 193 Leg.]

YEAS—53

Akaka	Feinstein	Murray
Baucus	Hagel	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Hatch	Obama
Bingaman	Inouye	Pryor
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Bunning	Klobuchar	Rockefeller
Cantwell	Kohl	Salazar
Cardin	Landrieu	Sanders
Carper	Lautenberg	Schumer
Casey	Leahy	Smith
Clinton	Levin	Stabenow
Coleman	Lieberman	Tester
Conrad	Lincoln	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden
Feingold	Mikulski	

NAYS—44

Alexander	DeMint	McCain
Allard	Dole	McConnell
Bennett	Domenici	Murkowski
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Burr	Graham	Shelby
Byrd	Grassley	Snowe
Chambliss	Gregg	Specter
Coburn	Hutchison	Stevens
Cochran	Inhofe	Sununu
Collins	Isakson	Thune
Corker	Kyl	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	

NOT VOTING—2

Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and the amendment falls.

Mr. REID. Mr. 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.

AMENDMENT NO. 1460

The PRESIDING OFFICER. There are now 2 minutes evenly divided before the vote on the Kyl amendment No. 1460. Who yields time?

Mr. KYL. Mr. President, could we have order?

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I appreciate not waiving the budget in this last point of order. I will confess to you, I think that Senator MENENDEZ had a point in saying we should only allow people who had a reasonable expectation to be immigrants, and those who didn't should not. The bill itself drew an arbitrary deadline. Senator MENENDEZ drew a different arbitrary deadline. This side-by-side actually is constructed so that, under existing law, everyone who has a reasonable expectation of being allowed to immigrate under a family visa will be able to immigrate under a family visa. Only those people who never had any reasonable expectation would be denied.

What it does is to take it out to the year 2027, 20 years from now, and anyone who could have had a reasonable expectation of immigrating within that 20-year period would be allowed to immigrate under this amendment. It is a more precise and fair and just way to allow family members to come into the United States. The numbers are approximately identical to those who would be allowed to immigrate under the bill.

The PRESIDING OFFICER. Who yields time? The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I urge my colleagues to vote against this. It is not more than a figleaf. It sounds great, 2027. The definition of ''reasonable expectation'' means absolutely nothing. The majority of the Senate voted to have some form, although it did not pass a budget point of order, to have some form of family reunification of U.S. citizens waiting to go be reunited with their family abroad.

This does nothing. As a matter of fact, I have heard some of the children, family members of U.S. citizens, would have to wait 60 years. I have the State Department's report. None of them are more than 15 years. So the reality is, this is a figleaf for those who voted against the last one. It does absolutely nothing for family reunification.

Let's keep at least a strong message we do want to reunify families as we move this bill ahead and vote against the Kyl amendment.

The PRESIDING OFFICER (Mr. SALAZAR). The question is on agreeing to the amendment.

Mr. KYL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Georgia (Mr. CHAMBLISS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 45, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—51

Alexander	Domenici	McCaskill
Allard	Dorgan	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Nelson (NE)
Brownback	Graham	Pryor
Bunning	Grassley	Roberts
Burr	Gregg	Sessions
Coburn	Hatch	Shelby
Cochran	Hutchison	Smith
Coleman	Inhofe	Snowe
Collins	Isakson	Specter
Corker	Kyl	Stevens
Cornyn	Lincoln	Sununu
Craig	Lott	Thune
Crapo	Lugar	Vitter
DeMint	Martinez	Voinovich
Dole	McCain	Warner

NAYS—45

Akaka	Feingold	Mikulski
Baucus	Feinstein	Murray
Bayh	Hagel	Nelson (FL)
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Byrd	Klobuchar	Salazar
Cantwell	Kohl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Clinton	Levin	Webb
Conrad	Lieberman	Whitehouse
Durbin	Menendez	Wyden

NOT VOTING—3

Chambliss	Dodd	Johnson

The amendment (No. 1460) was agreed to.

Mr. REID. Mr. 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.

AMENDMENT NO. 1182 TO AMENDMENT NO. 1150

Mr. REID. Mr. President, I call up amendment No. 1182, the Thomas amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. Thomas, proposes an amendment numbered 1182.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the Secretary to establish new units of Customs Patrol Officers)

At the end of section 101 of the amendment, insert the following:

(c) SHADOW WOLVES APPREHENSION AND TRACKING.—

(1) PURPOSE.—The purpose of this subsection is to authorize the Secretary, acting through the Assistant Secretary of Immigration and Customs Enforcement (referred to in this subsection as the ''Secretary''), to establish new units of Customs Patrol Officers

(commonly known as ''Shadow Wolves'') during the 5-year period beginning on the date of enactment of this Act.

(2) ESTABLISHMENT OF NEW UNITS.—

(A) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary is authorized to establish within United States Immigration and Customs Enforcement up to 5 additional units of Customs Patrol Officers in accordance with this subsection, as appropriate.

(B) MEMBERSHIP.—Each new unit established pursuant to subparagraph (A) shall consist of up to 15 Customs Patrol Officers.

(3) DUTIES.—The additional Immigration and Customs Enforcement units established pursuant to paragraph (2)(A) shall operate on Indian reservations (as defined in section 3 of the Indian Financing Act of 1974 (25 U.S.C. 1452)) located on or near (as determined by the Secretary) an international border with Canada or Mexico, and such other Federal land as the Secretary determines to be appropriate, by—

(A) investigating and preventing the entry of terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband into the United States; and

(B) carrying out such other duties as the Secretary determines to be necessary.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2008 through 2013.

Mr. REID. I believe there is no debate on this matter.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 1182) was agreed to.

Mr. REID. Mr. 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.

AMENDMENT NO. 1272 TO AMENDMENT NO. 1150

Mr. REID. Mr. President, I call up amendment No. 1272 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SCHUMER, proposes an amendment numbered 1272.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To improve security by providing for the establishment of B-1 visitor visa decisionmaking guidelines and a tracking system)

At the appropriate place, insert the following:

SEC. ____. B-1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with respect to the issuance of B-1 visas by consular officers and determine whether modifications are necessary to ensure that such officers make decisions with respect to the issuance of B-1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether travelers holding a B-1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to travelers admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) MODIFICATION.—If after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) CONSULTATIONS.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders, including consular officials and immigration inspectors.

(b) DATA TRACKING SYSTEMS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B-1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(A); and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B-1 visitor visas in order to ensure the consistent application of the guidelines established under subsection (a)(1)(B).

(2) LIMITATION.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) PUBLIC EDUCATION.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B-1 visa for business travelers.

(d) REPORT.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit to Congress, reports concerning the status of the implementation of this section.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1272) was agreed to.

Mr. REID. Mr. 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.

Mr. REID. Mr. President, for all Senators, we now have a number of amendments lined up which we can vote on this evening. There will be about 80 minutes, an hour and a half, before the vote starts.

Mr. President, I ask unanimous consent that the time until 10 o'clock be for debate with respect to the following amendments and that the time be equally divided and controlled between the majority and Republican leaders or their designees, with the time to run concurrently; that no amendments be in order to any of the amendments in this agreement prior to the vote; that at 10 o'clock tonight, the Senate proceed to vote in relation to the amendments in the order listed; that there be 2 minutes of debate prior to each vote, with the votes after the first being 10 minutes in duration; and that if the amendment is not pending, then it be called up now.

The first amendment we will vote on is Clinton, No. 1183, as further modified; second is Ensign, No. 1374; the third one will be Salazar, No. 1384; fourth one is Inhofe, No. 1151; the fifth one is Hutchison, No. 1415; sixth is Vitter, No. 1339; seventh is Obama, No. 1202, as modified with the changes at the desk; and eighth is Dorgan, No. 1316.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 1374

(Purpose: To improve the criteria and weights of the merit-based evaluation system)

Beginning on page 262, strike line 36 and all that follows through page 264, line 1, and insert the following:

Category	Description	Maximum points
Employment		**66**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**35 pts** Honorable Service within any branch of the United States Armed Services for (1) 4 years with an honorable discharge, or (2) any period of time pursuant to a medical discharge–**35 pts** U.S. employment in STEM or health occupation, current for at least 1 year (extraordinary or ordinary)–**35 pts**	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**23 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**21 pts**	
U.S. employment experience	Years of lawful employment for a U.S. employer (in the case of agricultural employment, 100 days of work per year constitutes 1 year)–**5 pts/year** (max 30 pts)	
Age of worker	Worker's age: 25-39–**18 pts**	
Education (terminal degree)	Graduate degree in a STEM field (including the health sciences).–**50 pts**	**50**

Category	Description	Maximum points
	Graduate degree in a non-STEM field–**34 pts** Bachelor's degree in a STEM field (including the health sciences)–**40 pts** Bachelor's degree in a non-STEM field–**32 pts** Associate's degree in a STEM field (including health sciences)–**30 pts** Associate's degree in a non-STEM field–**25 pts** Completed certified Department of Labor registered apprenticeship–**23 pts** High school diploma or GED–**21 pts** Completed certified Perkins vocational education program–**20 pts**	
English and civics	Native speaker of English or TOEFL score of 100 or higher–**30 pts** TOEFL score of 90-99–**25 pts** Pass USCIS Citizenship Tests in English & Civics–**21 pts**	**30**
Home ownership	Sole owner of place of residence–**8 pts per year of ownership**	**24**
Medical insurance	Current private medical insurance for entire family–**10 pts per year held**	**30**
Total		**200**

AMENDMENT NO. 1202, AS MODIFIED

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c)(1), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

(d) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

(1) INCREASE IN LEVEL.—Section 201(c)(1)(B)(ii) (8 U.S.C. 1151(c)(1)(B)(ii)) is amended by striking ''226,000'' and inserting ''567,000''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective during the period beginning on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted and ending on the date that an alien may be adjust status to an alien lawfully admitted for permanent residence described in section 602(a)(5).

AMENDMENT NO. 1384

(Purpose: To preserve and enhance the role of the English language)

At the end of the matter proposed to be inserted, add the following:

SEC. 702A. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English

(c) DEFINITION OF LAW.—For purposes of this section, the term ''laws of the United States'' includes the Constitution of the United States, any provision of Federal statute, or any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

AMENDMENT NO. 1151

(Purpose: To amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes)

Strike section 702 and insert the following:

SEC. 702. ENGLISH AS NATIONAL LANGUAGE.

(a) SHORT TITLE.—This section may be cited as the ''S.I. Hayakawa National Language Amendment Act of 2007''.

(b) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 6—LANGUAGE OF THE GOVERNMENT

''Sec.
''161. Declaration of national language.
''162. Preserving and enhancing the role of the national language.
''163. Use of language other than English.

''SEC. 161. DECLARATION OF NATIONAL LANGUAGE.

''English shall be the national language of the Government of the United States.

''SEC. 162. PRESERVING AND ENHANCING THE ROLE OF THE NATIONAL LANGUAGE.

''(a) IN GENERAL.—The Government of the United States shall preserve and enhance the role of English as the national language of the United States of America.

''(b) EXCEPTION.—Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English. If an exception is made with respect to the use of a language other than English, the exception does not create a legal entitlement to additional services in that language or any language other than English.

''(c) FORMS.—If any form is issued by the Federal Government in a language other than English (or such form is completed in a language other than English), the English language version of the form is the sole authority for all legal purposes.

''SEC. 163. USE OF LANGUAGE OTHER THAN ENGLISH.

''Nothing in this chapter shall prohibit the use of a language other than English.''.

(c) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

''6. Language of the Government ..... 161''.

AMENDMENT NO. 1316

(Purpose: To sunset the Y–1 nonimmigrant visa program after a 5-year period)

At the end of section 401, add the following:

(d) SUNSET OF Y–1 VISA PROGRAM.—

(1) SUNSET.—Notwithstanding any other provision of this Act, or any amendment made by this Act, no alien may be issued a new visa as a Y–1 nonimmigrant (as defined in section 218B of the Immigration and Nationality Act, as added by section 403) on the date that is 5 years after the date that the first such visa is issued.

(2) CONSTRUCTION.—Nothing in paragraph (1) may be construed to affect issuance of visas to Y–2B nonimmigrants (as defined in such section 218B), under the AgJOBS Act of 2007, as added by subtitle C, under the H–2A visa program or any visa program other than the Y–1 visa program.

AMENDMENT NO. 1415

(Purpose: To prohibit obtaining social security benefits based on earnings obtained during any period without work authorization)

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following new subsections:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

AMENDMENT NO. 1339

(Purpose: To require that the U.S. VISIT system—the biometric border check-in/check-out system first required by Congress in 1996 that is already well past its already postponed 2005 implementation due date—be finished as part of the enforcement trigger)

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

The PRESIDING OFFICER. Who yields time?

The Senator from New York.

AMENDMENT NO. 1183, AS FURTHER MODIFIED

Mrs. CLINTON. Mr. President, I call up amendment No. 1183, as further modified, and ask unanimous consent for its consideration.

The PRESIDING OFFICER. The amendment is pending.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the majority leader, Senator REID, and Senator DODD be added as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. CLINTON. Mr. President, I know there are very strongly held and honestly felt disagreements in this Chamber on the legislation before us. Many of these differences are mirrored across our country. The issue of immigration strikes deeply at our values and our concept of America and stirs our emotions. While we may reach different conclusions, we all have to begin at the same place. Our immigration system is in crisis. I have concerns about this underlying bill, but we all do. This is not the bill any of us individually would have written and produced for the Senate's consideration. But I commend the primary sponsors for bringing this to the floor of the Senate so we can debate the issues it raises and try to craft a solution that simultaneously honors our Nation's strong immigrant heritage and respects the rule of law.

As a nation, we place a premium on compassion, respect, and policies that help families. But our immigration laws don't reflect that. In fact, our current laws tear families apart. For lawful permanent residents and their spouses and minor children, this bill not only fails to help them, it actually makes matters worse. It is time to take all the rhetoric about family values and put it into action and show that we mean what we say when we talk about putting families first. That is what my amendment does.

This amendment is a bipartisan amendment offered with Senator HAGEL and Senator MENENDEZ. It is our view we must make reuniting families a priority in our immigration system, that we should show compassion for those living apart from their spouses and minor children, that we should reform immigration in a way that honors families and brings them together. Unfortunately, the compromise bill before us fails to help families and children stuck in a bureaucratic quagmire created by our tangled, broken immigration system. Spouses and minor children of lawful permanent residents applying for a green card are required to remain overseas while awaiting their new legal status. The problem is there is a huge backlog.

Despite what some have suggested this week, the visa backlog for spouses and minor children of lawful permanent residents is significant and substantial. According to the June 2007 State Department visa bulletin, the backlog is currently more than 5 years long. For some, that backlog could stretch even longer. What does that mean? In very human terms it means parents are forced apart from their children. Husbands are separated from their wives. Tax-paying, law-abiding, legal immigrants who are doing the right thing are treated as though their families don't matter at all.

If you are a lawful permanent resident and your spouse and minor children are caught in this long line, your family is not allowed to enter the United States even for a brief visit. You are limited in your ability to leave the United States to visit your spouse and children overseas. Under our current policies, lawful permanent residents are forced to choose between their newly adopted country and living with their spouse or children. Five years may not seem long to some of us. We serve 6 years in the Senate. It seems to go by very fast. But 5 years in the life of a young child or in a marriage is precious time indeed. For a 10-year-old child, it is half their life. It is time that can never be recaptured. Unfortunately, that 5-year timeframe is often much less than what actually happens to these families.

We are proposing that spouses and minor children of lawful permanent residents be exempt from the visa caps and that we finally allow these nuclear families who have been separated for far too long to be reunited. This amendment is necessary because the compromise bill does absolutely nothing to bring these families together. In fact, the compromise actually reduces the number of visas for spouses and minor children of lawful permanent residents. It does not allocate a single visa to address the existing backlog for these family members.

As I have said many times, we have a national interest in fostering strong families. This amendment is supported by more than 100 faith-based, family, and immigrant advocacy organizations and denominations. I thank all of these organizations that have endorsed and rallied support for the Clinton-Hagel-Menendez amendment. They do an invaluable service in speaking out for people whose voices would otherwise not be heard.

The amendment is not considered a bill killer. It is not considered an amendment everybody has to vote against who has agreed to the compromise, because many of us know these legal permanent residents. Many of us actually work with them. Some of them even contribute to the campaigns of people in this Chamber. These are people who are doing everything they can to play by the rules, except they are divided for years from their spouses and minor children. I hope the Chamber will endorse this act of compassion and common sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I certainly agree with the Senator from New York about the value of having family unity. A strong family is certainly a very important value that we ought to maintain to the maximum extent possible. I intend at the appropriate time, before the vote comes up, to raise a point of order under concurrent resolution 21, but for a few moments I will deal with the merits as to the issue advanced by the Senator from New York.

The effect of adoption of this amendment would mean those who are now legal permanent residents or green card holders would have an immediate right to bring in their spouse and children, and it is estimated there are some 800,000 of these green cards in existence at the present time. From many perspectives, it would be worthwhile to have that accomplished. That would certainly be a personal preference of mine, if it were not for many collateral constraining factors about the difficulty of allowing that many additional green cards all of a sudden. The 800,000 figure is the best estimate that is available at this late hour.

The effect of the amendment offered by the Senator from New York as to the approximately 12 million undocumented immigrants would be that as soon as the backlog is cleared after 8 years, then at that time they would be eligible to have green cards issued as green card holders or as legal permanent residents, after the backlog is

cleared in 8 years. Under the amendment by the Senator from New York, they would have the right to bring in their spouse and minor children.

Again, if I were to devise an ideal system and there were not other limitations, I certainly would not disagree with that as a desirable way to proceed. But this compromise was constructed very carefully and very painfully by the dozen or so Senators from both the Democratic side of the aisle and the Republican side of the aisle who structured it. The Presiding Officer was a member of that group, the junior Senator from Colorado. In structuring the arrangement to not allow legal permanent residents or so-called green card holders from bringing in their spouse and minor children, there were many tradeoffs. As I have said on the floor earlier, many of the provisions which were excluded, rejected, were ones I personally would have favored. I have cast a fair number of votes here during the course of this debate that, given my preferences, I would have cast differently. But the overall objective of getting a bill passed is worth the compromises which have been made.

Earlier today, this amendment was characterized by the Senator from New Mexico as the politics of compromise. Well, that might sound bad, but that happens to be the reality of what goes on in the Senate all the time. It goes on in all political bodies. We don't have anyone who can structure a bill to his or her precise specifications. If I could structure a bill, it would be a very different bill. But my role, along with a number of other Senators, was to try to find accommodations to find a bill which we could agree to and bring to the floor and then, if the full Senate wanted to work its will to the contrary, that is the way the system works. But there is nothing inappropriate about the politics of compromise. That means we sacrifice the better for the good.

The overall good is to get a bill passed which will deal with 12 million undocumented immigrants in a constructive way. It gives them an opportunity to escape the fear they now have that they will be detected at any time. It gives us an opportunity to identify those who are not contributing, who have criminal records, who ought to be deported. We can't deport all 12 million, but for the balance to be on the path toward citizenship, that is a very worthwhile, commendable objective as to the greater picture. We have comprehensive reforms. We have securing the border and employer verification. I will not go through all of the details, but this bill is very important. This accommodation to reject the contentions of the Senator from New York is necessary if we are to attain the greater good.

Mr. KYL. Mr. President, might I just interrupt with a question to the Senator?

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, is it not true that under this amendment, this amendment would wipe out the difference between a citizen of the United States and a green card holder with respect to their right to immigrate the nuclear family? So there would be no distinction between a green card holder and a citizen's rights?

Mr. SPECTER. Mr. President, the Senator from Arizona is correct. It is the citizen who has the right to bring a spouse and minor children, not legal permanent residents, so-called green card holders.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, it was the intention of the majority leader to ask that there be 10 minutes on each amendment to be evenly divided. I think that was the desire in order to be fair to all of those who were going to offer amendments. I think those who are offering amendments were given that kind of assurance. So I ask unanimous consent that the remaining time be allocated equally between the amendments and equally in terms—well, I ask unanimous consent that there be 10 minutes on each amendment equally divided between those who favor the amendment and those who are opposed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mrs. CLINTON. Mr. President, may I inquire, was a budget point of order or other point of order made against the amendment?

The PRESIDING OFFICER. It was not raised. It is not in order at this time.

Mrs. CLINTON. Mr. President, let me, just if I could, respond.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take 2 minutes of my time on the following amendment and yield it to the Senator. She was not aware of the time limitation when she made her remarks. I think she ought to be entitled to make her comments.

The PRESIDING OFFICER. The Senator from New York.

Mrs. CLINTON. Mr. President, I thank the Senator.

I think it is important to recognize that there are many distinctions between a U.S. citizen and a foreigner living legally in the United States which uphold the value of citizenship, but the right to marry and to live with your family should not be one of them.

Denying legal permanent residents, who are on the pathway to pledging their allegiance to the United States, the right to marry and live together in our country is an obstacle to their becoming the kind of full-fledged citizens we want them to be.

Also, under current law, guest workers, students, and others can be with their spouses and minor children and then adjust to legal permanent resident status with them. Due to the backlogs, only lawful permanent residents are treated differently.

So, Mr. President, I understand that those who worked so hard on coming up with this compromise may not be able to find their way clear to support this at this time, but I do not believe we have a national interest in separating legal permanent residents from their spouses and minor children.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Oklahoma.

AMENDMENT NO. 1151

Mr. INHOFE. Mr. President, let me make an inquiry. It is my understanding that under the UC, all of the eight amendments that will be considered on the floor have been called up and are in order to be considered; is that correct?

The PRESIDING OFFICER. They have not all been reported at this time.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me tell you something procedurally that is going to happen here in about an hour at 10 o'clock. There is a list of amendments. First, there are two of them, and then the Salazar amendment will be considered. After that, the Inhofe amendment will be considered.

Now, I want to get something understood procedurally because I think it is very important for everyone, particularly the occupant of the chair at this time, who has the Salazar amendment, to know what is going on.

A year ago, we debated the Inhofe amendment that would make English the national language for the United States of America. We debated it at length, hour after hour. We talked about that every President back to and including Theodore Roosevelt in 1916 made comments that English should be the official and should be the national language of the United States of America. We talked about the 50 countries that have English as a national language, one being in west Africa—Ghana—and one being in east Africa—Kenya—but not the United States of America.

Now, one of the things that happened a year ago is I had my amendment up, which is essentially the same amendment that will be up tonight. I would like to have you listen carefully. It is really a one-sentence amendment. All it says is:

> Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform or provide services, or provide materials in any language other than English.

In other words, this is an entitlement.

Now, it has exceptions in there for laws that are on the books, such as laws protecting the sixth amendment, which would be the Court Interpreters Act and other such things. However, it

was aimed—I don't want to act as if I am hiding this because we talked about this a year ago. One of the things has been very controversial: At the very end of the Clinton administration was when he passed Executive Order No. 13166, and 13166 essentially said that if you are a recipient of Federal funds, then your documentation can all be done in whatever language you desire, so it could be Swahili, it could be Spanish, or any other language.

Now, what happened a year ago was they passed my amendment—and my amendment was exactly the same as it is today—and it passed by a vote of 62 to 35. Does that sound right? So, 62 to 35. Then right after that, the Salazar amendment—and I see the Senator from Colorado is preparing to respond—was passed, which gutted my amendment, did away with it.

So those individuals who voted for my amendment and then voted for the Salazar amendment—and there are quite a few Democrats and Republicans who did that—voted to make English the official language and then, in the next vote, 3 minutes later, voted to take it away.

Now, I see that this is happening again tonight because, unfortunately, I have to offer my amendment first. I anticipate it will be adopted because it is very popular. Right now, the polling shows that 91 percent of the people in America want English as an official language, and 76 percent of Hispanics believe English should be an official language.

Now, I am prepared to go on and debate this issue. I should not have to do it since 62 Members of this body already voted in favor of it. What I am going to say now, though, is very significant because if you vote for the Inhofe amendment when it comes up tonight, then vote for the Salazar amendment, you are essentially saying you are gutting the Inhofe amendment and you do not want English to be the official or the national language of the United States of America.

The Salazar amendment is exactly the language in the underlying bill. I have it before me. I would be glad to read it. In fact, I am not sure how this time is going to work out. If we have time equally divided, I am going to run out of time. So I will just state that the language is precisely the same in the underlying bill. The underlying bill actually puts into law executive orders, and this specific executive order of 13166, which gives anyone an entitlement to any language he or she wants, will become law. That is the language which is in there right now.

I am attempting to change that language. If my amendment is adopted, it will change. However, the next vote is going to be on the Salazar amendment. I am just saying to you, as my friends out here, do not vote for both of us because if you vote for both of us, you are voting to make English the official language, and then, in the very next vote, you are taking it away and reinstating the original language in the bill.

So I hope no one is going to think it is going to go unnoticed if anyone votes for my amendment and then votes to kill the amendment they just supported. That is what is going to happen tonight. I look forward to the vote.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator's time has expired.

The Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise to speak in opposition to the proposed amendment by my good friend from Oklahoma. First and foremost, I want to say I believe all Members of this Chamber and the people in the United States understand that English is important and that people, in order to succeed in our society, need to learn English; that the ability to acquire the English language and to speak it well is something we all support, and we support a number of different programs that would assist people who have limited English proficiency to acquire the English language as a keystone to success. I think that goes without saying.

The amendment that is proposed by my friend from Oklahoma would, in fact, do a number of things that I think are problematical and should cause all of us to vote against the amendment.

The first and a very important reason to vote against his amendment is that it is contrary to the provisions of law that exist in many States. For example, in the State of New Mexico, you have in the Constitution—in the Constitution of the State of New Mexico—as my good friend, Senator DOMENICI, would articulate here, a provision that says that many of the documents within that State have to be provided in both English and Spanish. The same thing is true for the State of Hawaii. I believe this is a States rights issue, and those constitutions of those States ought to be respected. There are other States in our Union which have decided they are going to adopt English as their official language. I believe that is a matter the States ought to decide. I do not believe it is a matter we ought to be imposing here from Washington, DC, on the backs of the States of our Union.

Also, at the end of the day, what my good friend from Oklahoma is attempting to do with his amendment is to undo an executive order that has been long recognized by President George Bush, implemented by President George Bush, conceived by President Bill Clinton, and put into law with his signature.

President Clinton's executive order was signed on April 11, 2000, on October 26, 2001. That executive order was recognized by Ralph Boyd with the U.S. Department of Justice under the Bush administration. It was again recognized on January 11, 2002, and again on November 12, 2002, and then again on December 1 of 2003.

If I may take a moment to just read a portion of what was included in that communication that went out from the U.S. Department of Justice to all of the court administrators across the United States and all of the U.S. district courts. It said the following in the memorandum:

> It is beyond question that America's courts discharge a wide range of important duties and offer critical services both inside and outside the courtroom. Examples range from contact with the clerk's office in pro se matters to testifying at trial. They include but are not limited to matters involving domestic violence, restraining orders, parental rights, and other family law matters, eviction actions, alternative dispute resolution or mediation programs. . . .

And on and on.

What both the Bush administration and the Clinton administration recognized in this executive order is that it is important to make sure people who have limited English proficiency receive the kinds of services so they can understand what is going on in terms of the interface between the Government and themselves.

Mr. President, I believe my friend from Oklahoma has an amendment in search of a problem, and I urge my colleagues to vote against it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will take just a few minutes. I am sorry to interrupt the debate.

EXPRESSING THE SENSE OF THE SENATE THAT ATTORNEY GENERAL ALBERTO GONZALES NO LONGER HOLDS THE CONFIDENCE OF THE SENATE AND OF THE AMERICAN PEOPLE—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I move to proceed to S.J. Res. 14 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 motion to proceed to Calendar No. 179, S.J. Res. 14, relating to Attorney General Alberto Gonzales.

Harry Reid, Richard J. Durbin, Kent Conrad, Bernard Sanders, Jeff Bingaman, Dan Inouye, Jon Tester, S. Whitehouse, Debbie Stabenow, Byron L. Dorgan, Amy Klobuchar, Sherrod Brown, Carl Levin, Chuck Schumer, Barbara Boxer, Jack Reed, H.R. Clinton.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Thank you, Mr. President.

CREATING LONG-TERM ENERGY ALTERNATIVES FOR THE NATION ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Mr. President, I now move to proceed to H.R. 6, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

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 motion to proceed to Calendar No. 9, H.R. 6, comprehensive energy legislation.

Jeff Bingaman, Dick Durbin, S. Whitehouse, Blanch L. Lincoln, Jon Tester, Robert P. Casey, Jr., Patty Murray, Daniel K. Akaka, Jack Reed, Mary Landrieu, Max Baucus, Mark Pryor, Ron Wyden, Joe Biden, Pat Leahy, Claire McCaskill, Amy Klobuchar, Ken Salazar.

Mr. REID. Mr. President, I withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Mr. President, I had alerted the distinguished Republican leader I was going to do this. I had to do it because we had to do it before the night's business ends.

COMPREHENSIVE IMMIGRATION REFORM ACT OF 2007—Continued

The PRESIDING OFFICER. The Senator from Colorado still has, I think, 1 minute 10 seconds.

Mr. SALAZAR. Mr. President, parliamentary inquiry in terms of the time available with respect to the Inhofe amendment.

The PRESIDING OFFICER. The Senator has the remaining 45 seconds.

Mr. INHOFE. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. Yes, I understand that. Parliamentary inquiry: Since we are talking about two amendments, the Salazar amendment and the Inhofe amendment, then I would assume there would be another 10 minutes equally divided later on this evening if it is the desire of the offerors; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. INHOFE. I thank the Chair.

The PRESIDING OFFICER. If they wanted to use the time, obviously it would be respected.

Mr. SALAZAR. Mr. President, parliamentary inquiry again: Just to be clear, then, on the Salazar amendment No. 1384, there will be 10 minutes for debate equally divided between the majority and the minority.

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. And with respect to the Inhofe amendment, the minority time has expired, and there is 43 seconds left on the majority side?

The PRESIDING OFFICER. The Senator is correct.

Mr. SALAZAR. Mr. President, I conclude by urging my colleagues to vote no on the Inhofe amendment. At the end of the day, what the Inhofe amendment is proposing to do is to undo executive orders that have been signed by both the Clinton administration and the Bush administration. Those executive orders were created in order to be able to have people understand what is happening with respect to the courts, with respect to domestic violence, and with respect to other issues that our government provides services for where they need to be able to understand what is happening with respect to the communication they are receiving.

I urge my colleagues to vote no on the Inhofe amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 1374

Mr. ENSIGN. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1374.

Mr. President, this bill does a laudable job in setting up a new merit-based system for the future. That is the right thing to do for our country, but the bill misses the mark.

Our country needs an immigration system that recognizes we want to attract the best and the brightest from around the world. We have been doing that for many years because we recognize that people who are smart, who are talented, when they come to this country they actually create jobs in this country. They create opportunities for other people in this country.

The current bill unfortunately misses the mark on this merit system. The current bill is actually worse than current law. This bill today is worse than current law, and that is why the high-tech community across the country has come out in opposition to the provisions of the merit-based system in this bill. I want to tell a small anecdote that will illustrate the problems with our current system on attracting talent.

In my office today, a gentleman by the name of Bill Watkins from Seagate Corporation out of California just opened a new branch in Singapore and hired U.S. graduates, foreign students who graduated from MIT and other universities. The reason he hired them to go to Singapore, where he will pay them less money than he would have paid them in the United States, the reason he sent those jobs overseas is because of our immigration policy that basically will educate you in the United States, but then after we educate you, we will send you home.

The amendment I offer today says we are going to actually value people who are educated here, especially in the science and mathematics and engineering fields—we call those the stem fields—in the health sciences fields, we are going to give you even more points than the current bill does so that into the future we will attract the best and the brightest from around the world. It is the idea of being a brain drain to the rest of the world. People from all over the world want to come to America. We want the best and the brightest to come to America because of this fact—whether it is low-skilled or high-skilled workers, 4 percent of the jobs, 4 percent of the people who have jobs in the future will create the jobs for the other 96 percent of Americans. Those are the talented people we want to attract.

Over half of the start-ups in Silicon Valley in the last 10 years have come from immigrants. Those people, when they start up companies, create jobs in America. They create opportunities, some high skilled, some low skilled, but they are creating opportunities for people to pursue the American dream. So while the current bill is going in the right direction, it misses the mark.

So my amendment says we are going to reward those in the sciences, those in the technical fields, those who have a Ph.D. in electrical engineering. We are going to give you enough points to virtually guarantee entrance into this country. It is a good thing. It is why the high-tech community is supporting my amendment.

We also put in this amendment, if you are an immigrant, if you are one of these Z visa holders, we actually want you to be rewarded for doing military service. So we are going to offer another amendment to make sure they can do military service, and then when they do that, we want to reward them to come into this country. To serve in our military should be the greatest honor, and we should reward people with legal permanent status, the ability to get legal permanent status.

We have a shortage of nurses in this country. We give more rewards for people in the health sciences as well in our amendment.

I think this is a critical amendment to improve this bill. If we are going to do a comprehensive immigration reform bill, we certainly shouldn't make it worse than current law, and this bill is worse than current law when it comes to high-tech workers coming into this country. So I would urge all of our colleagues to support this amendment. I know it is a delicate balance that we have between the various people who have brought this bill together, but I truly believe this is an improvement on not only current law, but it is also a great improvement on the current bill.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, is there anyone who is going to speak on the other side on the amendment?

The PRESIDING OFFICER. The Senator could be recognized, and the person is free under the agreement to

speak later during the course of the evening.

Mrs. HUTCHISON. Mr. President, in that case, I would like to use 4 minutes of my time and then reserve the remainder of my time for if there is opposition to my amendment.

AMENDMENT NO. 1415

Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up amendment No. 1415.

Mr. President, will the Presiding Officer notify me at 4 minutes so that I may reserve the remainder of my time?

The PRESIDING OFFICER. The Chair will so advise.

Mrs. HUTCHISON. Mr. President, our Social Security system, we all know, is in a very precarious position. In fact, we are trying to pass Social Security reform that would extend the life of our Social Security system. We know we are facing impending insolvency. The trust fund has $2.4 trillion and is supporting 46 million beneficiaries. In 2017, the trust fund will begin paying out more in benefits than it receives in revenue. It is expected to be fully exhausted in 2041. If we pass the bill before us, we will be adding millions of new beneficiaries into the Social Security system, but we will also be allowing individuals who were not authorized to work in this country the opportunity to qualify from illegal work.

Under the current bill, Social Security credits for the time prior to getting a valid card would not be allowed. That is the good part of the bill. However, on a visa overstay or someone who has a card in their name, but they are working illegally, they would still be able to get quarters credited for that illegal work. My amendment would close that loophole.

According to the GAO, about 22 percent of the whole Social Security that an employee would pay over 40 quarters would be approximately $193.42 per month. What I meant to say is, if you take the example of an hourly worker making $9 an hour, they would, in a 40-hour workweek, contribute $193 to the system per month. However, after working 40 quarters, which is the minimum, the payout would be $405 per month for each overstay after the age of 65 and up to the expected life expectancy of 78. So 22 percent would be paid in, while 78 percent would come out. This means over the lifetime of the Social Security for that worker, the payout would be $81,922 but the input would be $23,210. So over the lifetime of that person, the deficit would be $58,712.

Now, it is estimated that 40 percent of the illegals in this country are visa overstays. So if you multiply the 40 percent, which is about 4.8 million people according to estimates, you would get $28 billion that would be a deficit in the Social Security system. That is if it were 1 year of overstay. We don't know how many years people overstay. That is impossible to know right now. But if it were 2 years, it would be $56 billion, and it goes on.

We asked for a scoring of this amendment, and we have a letter from the Chief Actuary of the Social Security Administration.

The PRESIDING OFFICER. The Senator has used 4 minutes.

Mrs. HUTCHISON. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

AMENDMENT NO. 1384

Mr. SALAZAR. Mr. President, I call up my amendment No. 1384.

Mr. President, I ask that the Chair let me know when I have 2 minutes remaining on my time.

The PRESIDING OFFICER. The Chair will so notify.

Mr. SALAZAR. I ask unanimous consent that Senator PETE DOMENICI be added as a cosponsor to this amendment No. 1384.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise to speak on behalf of my amendment No. 1384 and to urge my colleagues to join me in support of this commonsense legislation that supports English as the common language for the United States of America.

Our amendment is a very simple amendment. It says that the Government of the United States—and here I am quoting:

> The Government of the United States shall preserve and enhance the role of English as the language of the United States.

Again, it is:

> The Government of the United States shall preserve and enhance the role of English as the language of the United States.

This is a simple and straightforward amendment that recognizes the reality of the United States of America, that we are a people who yearn to speak English, want to speak English, and have the vast majority of our people knowing how to speak English.

This language I have read is also part of a carefully crafted compromise. It is included in the underlying legislation that was worked upon by both Republican and Democratic Senators over a long period of time. It was agreed that this was the language that made the most sense in terms of including a provision relating to the English language in the underlying legislation.

As I said earlier in opposition to Senator INHOFE's amendment, this is in fact a States' rights issue. The States of America ought to decide whether they are going to call English the official language of their State, as they did in Colorado; or they should decide, as they did in New Mexico in their constitution in 1912, to recognize English and Spanish as part of the language within their State. That was their right as New Mexicans. It is their right in Hawaii to be able to recognize a language other than English. It is a matter that ought to be left to the States. It would be a Washingtonian kind of thing to require these mandates upon the States, and it is something that we as the Senate should reject. Our language in amendment No. 1384 preserves that ability of the States to be able to enact their own legislation with respect to the English language.

Finally, I only say that in my own personal history the native language in my home was Spanish. My family had lived along the banks of the Rio Grande River in southern Colorado for a period of 407 years. During all that time, they preserved their Spanish language, but they also honored and preserved the English language. My father and mother, who were veterans of World War II, had eight children who became college graduates. They understood the importance of English as something that would help them live the American dream, as all eight of their children have.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, if I am in order, I will speak in strong support of my amendment No. 1339 which will be voted on later tonight.

The PRESIDING OFFICER. The Senator is so entitled.

AMENDMENT NO. 1339

Mr. VITTER. Mr. President, there has been a lot of discussion in this debate on the immigration bill about enforcement provisions. There has been a lot of discussion about triggers in this bill to ensure that enforcement actions are taken, are paid for, and are enacted before other aspects of the bill, such as the Z visa program and the temporary worker program, go into effect.

My grave concern is that these triggers are wholly inadequate and represent thinking that is backward from where it needs to be. If you look at the triggers designed in the bill, they were arrived at, again, as I would put it, in a backward fashion.

The question was asked: Well, it is going to take about 18 months to be ready to enact the other provisions of the bill, so what enforcement are we teed up to do during the next 18 months anyway? We will define that as the enforcement trigger for the bill.

I simply think that is the wrong way to arrive at a trigger. The key question has to be: What needs to be done? What is the totality of significant measures that needs to be done in order to have real enforcement at the border and real enforcement at the workplace? Let's make that totality the trigger in the bill. Of course, the triggers are far less than that.

One perfect example is the subject of this amendment. The US–VISIT Program has been authorized since 1996, but it is not near operational. This is the program that would establish an entry and exit system so we know absolutely who comes into the country on visas and when those people leave, if they leave on time under their visa, or if they do not and are, therefore, overstaying their visa.

Without such a system, we cannot possibly know who is in the country and who is overstaying their visa. This

is a very serious part of our illegal immigration problem. As of 2006, the illegal population, by most estimates, included 4 million to 5.5 million overstays. So visa overstays are a big part of the problem. We know from 9/11, that visa overstays accounted for many of the terrorists at the center of the 9/11 plot.

So how can we have meaningful enforcement without this US–VISIT system, including the exit portion of the system? We cannot. The simple answer is that we can't. My amendment No. 1339 would include full implementation of this exit system of the US–VISIT Program into the trigger of the bill. Therefore, the other significant portions of the bill, such as temporary workers, such as Z visas, et cetera, cannot take effect until the full trigger is pulled, including full implementation of the US–VISIT system.

If we are serious about enforcement, we have to pass this amendment. If we are serious about enforcement, we have to recognize that 4 million to 5.5 million illegals in this country are visa overstays, and we cannot get our hands around that visa overstay problem without full implementation of this system, which has been authorized but nowhere near implemented since 1996.

So I urge all my colleagues to come together and build up the trigger and enforcement provisions of this bill with the Vitter amendment No. 1339.

With that, I yield back my time.

(Mr. SALAZAR assumed the Chair.)

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. OBAMA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1202

Mr. OBAMA. Mr. President, I come to the floor tonight to speak about the new point system created in this bill—a proposal that will radically change the way we judge who is worthy of lawful entry into American society.

For decades, American citizens and legal permanent residents have been able to sponsor their family members for entry into our country. For decades, American businesses have been able to sponsor valued employees. The bill before us changes that policy—a policy that, while imperfect, has worked well, and this bill will now replace it with a new, untested, unexamined system to provide visas to immigrants who look good on paper but who may not have any familial or economic ties to our country.

I have serious concerns about this new experiment in social engineering, not only because of the lack of evidence that it will work but because the bill says the new point system cannot be changed for 14 years. For that reason, I come to the floor today, joined by Senators MENENDEZ and FEINGOLD, to offer amendment No. 1202 to sunset the point system after 5 years.

I am pleased that immigration experts, religious organizations, and immigrant advocacy organizations have all endorsed our amendment.

These groups have endorsed our amendment because the point system in this bill constitutes a radical shift in immigration policy, premised on the view that there is something wrong with family and employer-sponsored immigration. If this program were merely supplementing the current system rather than significantly replacing it, it would not have caused as much concern.

Religious organizations and immigrant advocacy groups have also endorsed my amendment because the decisions about what characteristics are deserving of points—and how points are allocated for those characteristics—were made without a single hearing or public examination.

They support the amendment because the new points system shifts us too far away from the value we place on family ties and moves us toward a class-based immigration system, where some people are welcome only as guest workers but never as full participants in our democracy. Indeed, the practical effect of the points system is to make it more difficult for Americans and legal permanent residents with family living in Latin America to bring them here.

Our current immigration system delivers the lion's share of green cards—about 63 percent—to family members of Americans and legal permanent residents, while roughly 16 percent of visas are allocated to employment-based categories. The bill before us would reduce visas allocated to the family system in order to dramatically increase the proportion of visas distributed based on economic points. Once implemented, these new economic points visas would then account for about 40 percent of all visas, while family visas would account for less than half of all visas, with the remainder going for humanitarian purposes.

Under the new system, just a few of the current family preferences would be retained in any recognizable form. Spouses and children of U.S. citizens would still be able to come, but parents of U.S. citizens would no longer be counted as immediate family. Thus, most parents seeking to join their children and grandchildren in the United States would be denied green cards.

The rest of the current family preferences—siblings, adult children, and many parents—would be eviscerated.

The new points system would also eliminate employment-based green cards altogether, forcing employers recruiting workers abroad to rely exclusively on short-term H–1B and Y visas. This proposal takes an admittedly problematic employment-based visa system and replaces it with a far more problematic temporary worker visa system.

The design of the points system leaves numerous questions unanswered. Beyond pushing workers from Latin America to the back of an endless line with no hope of ever reaching the front, the new points system leaves unspecified the crucial question of how migrants with sufficient points will be prioritized. Government bureaucrats would thus be left with unprecedented discretion to determine which immigrants have acceptable education, employment history, and work experience to merit admission into the country.

Taken together, the questionable design of this points program and the fundamental shift away from family preferences in the allocation of visas raises enough flags that we should not simply rubberstamp this proposal and allow it to go forward.

Let me be clear. Senators MENENDEZ, FEINGOLD, and myself are not proposing to strike the program from the bill, but this system should be revisited after a reasonable amount of time to determine whether it is working, how it can be improved, and whether we should return to the current family and employer-based system that has worked so well.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. Mr. President, I ask for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. OBAMA. Mr. President, we live in a global economy, and I do believe America will be strengthened if we welcome more immigrants who have mastered science and engineering. But we cannot weaken the very essence of what America is by turning our back on immigrants who want to reunite with their family members, or immigrants who have the willingness to work hard but might not have the right graduate degrees. That is not who we are as a country. Should those without graduate degrees who spoke Italian, Polish, or German instead of English have been turned back at Ellis Island, how many of our ancestors would have been able to enter the United States under this system?

Character and work ethic have long defined generations of immigrants to America. But these qualities are beyond the scope of this bill's points system. It tells us nothing about what people who have been without opportunity can achieve once they are here. It tells us nothing about the potential of their children to serve and to lead.

In short, the points system raises some serious concerns for me. I am willing to defer to those Senators who negotiated this provision and say we should give it a try, but I am not willing to say this untested system should be made virtually permanent. For that reason, I urge my colleagues to support to sunset this points system after 5 years so we can examine its effectiveness and necessity.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think it is very appropriate you be occupying the Chair during this moment in this debate. My good friend from Illinois says to those who have worked so hard to get this bill to the point it is at: Nothing personal, but I can't live with this provision.

Bipartisanship is music to the American people's ears. When you are out there on the campaign trail, you are trying to bring us all together. You are trying to make America better. Why can't we work together? This is why we can't work together because some people, when it comes to the tough decisions, back away because when you talk about bipartisanship, some Americans on the left and the right consider it heresy, and we are giving in if we adopt this amendment.

The 12 million who have lived in fear for decades, my Republican colleagues and a majority have told our base we are not going to put them in jail and we are not going to deport them. No matter how much you scream, no matter how much you yell, we are going to make them right with the law, we are going to punish them, but we are not going to play like they don't exist, and we are going to do things differently in the future.

If you care about families under this bill, people are united in 8 years who would be 30 years getting here. If you care about families wanting to wake up one morning and not be afraid, this bill does it.

This amendment in the name of making the bill better says that bipartisanship doesn't have the ''bi'' in it. It means everybody over here who has walked the plank and told our base you are wrong, you are going to destroy this deal. And that is exactly what it is, a deal—a deal to make America more secure, to give people a chance to start their lives over again and to have a new system that has a strong family component but will make us competitive with the world because some people don't want to say to the loud folks: No, you can't have your way all the time.

Let me tell you, this is about as bipartisan as you will get, Mr. President. Some of us on the Republican side have been beat up and some on the Democratic side have been beat up because we have tried to find a way forward on a problem nobody else wants to deal with.

To my friend, Senator KENNEDY, thank you for trying to find a way, as much as we are different, to make this country better, more secure, to treat 12 million people in a way they have never been treated and, in my opinion, deserve to be treated, to have a chance to start over.

What a sweet idea it is to have a second chance in life. Well, they are not going to get it if this is adopted, and America will be all the worse for it. What a great opportunity we have as a country not to repeat the mistakes of 1986, by having a merit-based immigration system that has a strong family component but frees up some green cards so we can be competitive.

So when you are out on the campaign trail, my friend, telling about why can't we come together, this is why.

Mr. OBAMA addressed the Chair.

The PRESIDING OFFICER. The Senator has no time.

Mr. OBAMA. I understand, but I wish to respond to my colleague from South Carolina since it appears to be directed at me.

Mr. KENNEDY. I yield 2 minutes of my time.

Mr. MCCAIN. I object unless the Senator from South Carolina has sufficient time as well.

Mr. OBAMA. I would like to give additional time. When the Senator from South Carolina addresses me directly, I feel it is appropriate for me to respond.

The PRESIDING OFFICER. The Senator from Massachusetts has the opportunity to yield time.

Mr. KENNEDY. I think I am entitled to yield time. I am in charge of the time on this side. I yield 2 minutes to the Senator.

The PRESIDING OFFICER. The Senator from Massachusetts yields 2 minutes to the Senator from Illinois.

Mr. OBAMA. Mr. President, I have a very simple response to what we just heard. I think it is important to consider the actual amendment before us as opposed to what appeared to be a broad-based discussion of the bill overall.

What this amendment specifically does is it says we will go forward with the proposal that has been advanced by this bipartisan group. It simply says we should examine after 5 years whether the program is working. The notion that somehow that guts the bill or destroys the bill is simply disingenuous and it is engaging in the sort of histrionics that is entirely inappropriate for this debate. This is a bill that says after 5 years, we will examine a point system in which we have had no hearings in the public. Nobody has had an opportunity to consider exactly how this was structured. It was structured behind closed doors. And the notion that after 5 years we can reexamine it to see if it is working properly, as opposed to locking it in for 14 years, that somehow destroys the bipartisan nature of this bill is simply untrue.

I ask all my colleagues to consider the nature of the actual amendment that is on the floor as opposed to the discussion that preceded mine.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

AMENDMENT NO. 1415

Mrs. HUTCHISON. Mr. President, I wish to use the final minute of my time on my amendment No. 1415 and say I want to make sure we are doing everything to be fair to the people who pay into our Social Security system. We know we will be adding more people in this bill, but we want to make sure they are people who have worked legally in the system. Therefore, I hope we will adopt my amendment No. 1415, cosponsored by Senator GRASSLEY.

I ask unanimous consent to have printed in the RECORD a letter from the office of the Chief Actuary of the Social Security Administration in which he says the average annual savings in the bill from my amendment would be approximately $300 million this year, and over the 75-year period there will be more savings up front, fewer savings toward the end of the 75 years, but the average would be about $300 million per year. That is into our Social Security trust fund.

It is a matter of fairness to the people who have paid legally, and I hope everyone will support amendment No. 1415.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SOCIAL SECURITY ADMINISTRATION,
OFFICE OF THE CHIEF ACTUARY,
Baltimore, MD, June 6, 2007.

Hon. KAY BAILEY HUTCHISON,
U.S. Senate,
Washington, DC.

DEAR SENATOR HUTCHISON: Matthew Acock of your staff and Derek Kan of the Republican Policy Committee have requested that we produce preliminary estimates of the effect of two amendments to S. 1348, as amended with A. 1150, on the financial status of the Social Security program. They emphasized the need for at least preliminary estimates as quickly as possible. We have developed preliminary estimates for these amendments consistent with the analysis provided to Chairman Max Baucus on the current bill S. 1348/1150.

AMENDMENT 1301: OPTION TO REFUND PAYROLL TAXES FOR Y-VISA GUEST WORKERS

Your amendment number 1301 to S.1348 would provide Y-visa workers who have completed their time in this status and have returned to their home country the option to get a refund of employee payroll taxes from Social Security and Medicare. Exercising the option would preclude obtaining credit for these earnings toward Social Security or Medicare benefits. It would also preclude returning to the United States as a Y-visa guest worker in the future.

We assume that only those Y-visa workers who have no intention of returning to the U.S. would exercise the option. Such workers, without exercising the option, would often have made the payroll tax contributions with no expectation of receiving any benefits in the future because the limit of 6 years in Y-visa status is not sufficient to obtain insured status for most Social Security benefits (unless the U.S. and the worker's home country have an in-force totalization agreement). Thus, refunded payroll taxes under the amendment would represent a reduction in revenue for the OASDI program.

Of the 200,000 Y-visas granted each year we estimate that roughly two thirds would ultimately exercise the option to receive their employee payroll taxes back as a refund. Those not exercising the option would be individuals who either attain legal permanent resident status in the U.S. or overstay the Y-visa and continue residing in the U.S. on an unauthorized basis. We estimate that the reduction in revenue from this amendment, assuming it is enacted along with S. 1348/1150, would be a negligible worsening in the long-range OASDI actuarial balance. The average annual cost over the 75-year long-range projection period would be about equivalent to $200 million this year.

AMENDMENT 1302: WITHHOLDING OF SOCIAL SECURITY EARNINGS CREDITS FOR Z-VISA WORKERS WHEN NOT LEGALLY AUTHORIZED TO WORK

S. 1348/1150 provides for legalization of current undocumented immigrants who were

working in the United States on January 1, 2007. This amendment would prohibit assigning credit toward OASDI benefits for years in which earnings were received but the worker was not legally authorized to work. The effect of the amendment would restrict the use of such earnings credits for Z-visa holders who obtained a legitimate Social Security number (SSN) before January 1, 2007. S. 1348/1150 already includes this restriction for workers who would first obtain a legitimate SSN after 2006.

We estimate that almost one half of the 6.5 million individuals expected to gain legal status under S. 1348/1150 (through Z-visas and agricultural visas) would be affected by this amendment. We estimate that the long-range actuarial balance would be improved by 0.01 percent of taxable payroll.

We are hopeful that these quick preliminary estimates will be helpful. We will be working on more detailed estimates and must caution that due to the preliminary nature of estimates mentioned here, the more detailed estimates could differ somewhat. We look forward to continuing to work with you on this important legislation.

Sincerely,

STEPHEN C. GOSS.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Oklahoma.

AMENDMENT NO. 1151

Mr. INHOFE. Mr. President, the distinguished Senator from Colorado and I have each had 5 minutes on my amendment. I have not had 5 minutes in rebuttal of the amendment of the Senator from Colorado. Let me tell you what is going on. I know a lot people in this Chamber are going to think no one is going to figure this out. I am going to say it over and over again after this is over if the outcome is as I anticipate it will be.

First, this is probably the first time in 20 years we have had an honest effort where we can make English our national language in the United States of America. This is something all the polling data shows is in the nineties—91 percent, 93 percent of the people in America who want to have this amendment adopted.

In fact, a Zogby poll last month in May showed 76 percent of the Hispanics in America want to have English as the national language.

The Salazar amendment is precisely what the underlying bill is. The underlying bill—and I can read it to my colleagues, but I have done it three times on the floor already—yes, it does put into law the controversial Executive Order 13166. My colleagues have heard a lot about this from their constituents.

It says you are entitled to have your information, if you receive Government money, in any language of your choosing—Swahili or any other language. That is what is in the underlying bill. That also is in the Salazar amendment.

This is what is going to be happening. My colleagues have a chance to change all of this when they vote on the Inhofe amendment, which is I believe the third amendment in line tonight. What I don't want my colleagues to do is vote for my amendment and then vote for the Salazar amendment. All that does is put it right back where the bill is now. In other words, it would do away with my amendment and put it back as the language is in the underlying bill.

So there is no reason in the world to do it, unless someone is trying to cover up their true position. If my colleagues believe we should join the other 50 countries, such as Kenya, Ghana, and other countries around the world, that have English as their official language, then this is a chance to do it. If my colleagues do not believe it, then this is their chance to vote against the Inhofe amendment.

It is an act of hypocrisy if colleagues vote for the Inhofe amendment and then vote for the Salazar amendment to undo the Inhofe amendment. That happened a year ago. Democrats and Republicans did that. However, this time it will not go unnoticed.

It is interesting that every President back to and including Teddy Roosevelt in 1916 said very emphatically that we should have English as our official language, as our national language. It was said by President Clinton, it was said by the other President Roosevelt, by both President Bushes, and everyone has been for it.

I have a listing I wish to make part of the RECORD that shows all of the polling data in the last 5 years. It shows that between 85 and 95 percent of the American people want this amendment adopted. My colleagues can turn their backs on them or they can try the old trick they do around here all the time: Vote for the Inhofe amendment, and then turn around to vote to undo it if they want.

One thing that was stated by the Senator from Colorado was there are a lot of statutes this would negate. I remind my colleagues, if they read this bill, it says: Unless specifically provided by statute, no person has a right, entitlement, or claim to have the Government of the United States or any of its officials or representatives act, communicate, perform, or provide services or provide materials in any language other than English.

I have a list I also want to be made part of the RECORD that shows there are many statutes where they mandate languages other than English. A good example is the Court Interpreters Act. That is put in there to protect the sixth amendment to the Constitution, so people can be advised of their rights.

Again, my colleagues are going to have the opportunity to vote to make English our national language. I hope they will adopt this. They will certainly be serving their constituents well if they do. But if they do, they shouldn't turn around and undo what they just did because that is not going to go unnoticed.

Mr. President, I ask unanimous consent that the polling information and the list of selected Federal laws requiring the use of languages other than English be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ENGLISH AMENDMENT POLLS

Polls: All types of pollsters of all groups, liberal and conservative, immigrant and nonimmigrant, with all wordings show consistently high levels of support for making English the official language of the United States:

1. A Zogby Poll conducted on May 17–20, 2007 showed that 83 percent of Americans favor official English legislation, including 76 percent of Hispanics. 94 percent of Republicans, 72 percent of Democrats, and 83 percent of Independents are favorable to official English legislation.

2. An April 2007 McLaughlin & Associates poll showed 80 percent of all Americans indicated that they would support a proposal to make English the official language.

3. A December 2006 Zogby International poll showed that 92 percent of Americans believe that preserving English as our common language is vital to maintaining our unity.

4. A June 2006 Rasmussen Reports poll showed that making English the nation's official language is favored by 85 percent of Americans; this figure includes 92 percent of Republicans, 79 percent of Democrats, and 86 percent of those not affiliated with either major political party.

5. A March 2006 Zogby International Poll showed 84 percent of likely voters support making English the official language of government operations with commonsense exceptions.

6. A 2004 Zogby poll showed 92 percent of Republicans, 76 of Democrats and 76 percent of Independents favor making Englisgh the official language.

7. In 2000, Public Opinion Strategies showed 84 percent favored English as the official language with only 12 percent oppposed and 4 percent not sure.

8. A 1996 national survey by Luntz Research asked, ''Do you think English should be made the Official Language of the United States?'' 86 percent of Americans supported making English the official language with only 12 opposed and 2 percent not sure.

Latino immigrants support the concept of Official English:

1. An April 2007 McLaughlin & Associates poll showed that 80 percent of all Americans, including 62 percent of Latinos, would support a proposal to make English the official language.

2. A March 2006 Zogby poll found that 84 percent, of Americans, including 71 percent of Hispanics, believe English should be the official language of government operations.

3. My favorite poll is this one: In 2004 the National Council of LaRaza found that 97 percent strongly (86.4 percent or somewhat (10.9 percent) agreed that ''The ability to speak English is important to succeed in this country.''

STATUTES

SELECTED FEDERAL LAWS REQUIRING THE USE OF LANGUAGES OTHER THAN ENGLISH

The following are provisions of the United States Code which expressly require the use of languages other than English:

1. The Food Stamp Act of 1977—(7 U.S.C. §2020(e)—Under certain circumstances, requires states to provide written and oral assistance in languages other than English.

2. Immigration and Nationality Act—(8 U.S.C. §1224)—Provides interpreters during examinations of aliens seeking entry to the United States.

3. Domestic Violence Prevention—(8 U.S.C. §1375a(a))—States that information for nonimmigrants shall be in languages other than English.

4. The Equal Educational Opportunities Act of 1974—(20 U.S.C. §1703(f))—Upheld in Lau v. Nichols, (1974), this Act necessitates some accommodation for students who don't speak English.

5. Language Instruction for Limited English Proficient and Immigrant Students—(20 U.S.C. §6823)—Requires state plans for educating limited English proficient students. Describes how local schools will be given flexibility to choose the language instructional method to be used, so long as the plan is scientifically-based and demonstrably effective.

6. Plans for Educating Limited English Proficient Student—(20 U.S.C. §6826)—Calls for plans for educating limited English proficient students, including demonstrations that teachers are multilingual.

7. Authorizes Grants for Educating Limited English Proficient Students—(20 U.S.C. §6913)—Authorizes and mandates grants for educating limited English proficient students without limitation on language used.

8. Education of Limited English Proficient Students—(20 U.S.C. §6932)—Requires research on education of limited English proficient students.

9. Language Instruction Educational Program Definition—(20 U.S.C. §7011)—Defines ''language instruction educational program'' as one that may include instruction in both English and the child's native language to enable participating children to become proficient both in English and in a second language.

10. Parental Notification of Identity of Limited English Proficient Students—(20 US.C. §7012)—Provides for parental notification of identification of a student as limited English proficient, including use of language other than English to notify the parent.

11. Native American Languages Act—(25 U.S.C. §2902–2906)—Preserves, protects, and promotes the use of Native American languages. States that nothing in the Native American Languages Act shall prevent the use of federal funds to teach English to Native Americans.

12. The Court Interpreters Act—(28 U.S.C. §1827(d))—Invoking the Sixth Amendment right to confront witnesses, requires the use of interpreters in certain judicial proceedings.

13. Labor Protection Notices for Migrant Workers—(29 U.S.C. §§1821(g), 1831(f))—Migrant and farmworker labor protection notices must be in languages other than English, according to the level of fluency of the workers.

14. Migrant Health Centers and Alcohol Abuse Programs—(42 U.S.C. §§254b(f), 245c, 4577b)—Federally-funded migrant health centers and alcohol abuse programs that serve a significant non-English-speaking population must have interpreters.

15. Substance Abuse and Mental Health Administration Reorganization Act—(42 U.S.C. §§290aa(d)(14))—Requires some services in languages other than English.

16. Disadvantaged Minority Health Improvement Act—(42 U.S.C. §300u–6(b)(7))—Requires the Office of Minority Health to provide multilingual services.

17. Voting Rights Act—(42 U.S.C. §§1973b(f)(1), 1973aa–1a)—Restricts elections and election-related materials published only in English in the bilingual ballots and voting materials sections of the Voting Rights Act.

18. Older Americans Act—(42 U.S.C. §3027(a)(20)(A))—Requires state planning agencies to use outreach workers who are fluent in languages other than English when there is a substantial number of limited-English proficient older persons in a planning area.

19. Community Development Grants—(42 U.S.C. §5304)—Requires applicants for community development grants to explain how they will meet the needs of non-English-speaking persons.

20. Child Development Grants—(42 U.S.C. §9843)—Permits grants for child development (Head Start) programs for limited English proficient children.

21. Domestic Violence Hotlines—(42 U.S.C. §10416)—Requires a plan to provide domestic violence telephone hotline operators in Spanish.

Mr. INHOFE. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think there are 2 minutes left on the discussion of this issue.

I hope our colleagues listened to the extraordinary history of the Salazar family. It is the living of the American dream. It is respect for the Spanish language and Spanish tradition, and the reverence that it has for English today.

I am disappointed in the Inhofe amendment because the Inhofe amendment doesn't add one nickel, it doesn't add 1 hour for those who want to learn English. To learn English in my home city of Boston, MA, immigrants have to wait 3 years in order to gain admission to a class to learn English. There are long waits in all parts of the country. If we had some effort to try and provide the opportunity for those who do not know English to learn English, I think we would be much better off.

Finally, as the Senator from Colorado has pointed out, the great civil rights protections of Title VI of the 1964 Civil Rights Act and Executive order 13,166 as well as protections dealing with public health and safety that we have found to be so important in terms of ensuring the health and the safety and the security of our people. Providing information needed to protect health and safety depend on communication—communication—and we have developed a process, a way of respecting different traditions in order to be able to do that.

The Salazar amendment retains and respects that tradition, and it is the way we should be proceeding and embracing this evening for the reasons he stated so well.

AMENDMENT NO. 1374

Mr. President, I wish to yield time on the Ensign amendment. I think I have 5 minutes on the Ensign amendment in opposition?

The PRESIDING OFFICER. The Senator is correct. The Senator has 5 minutes on the Ensign amendment.

Mr. KENNEDY. Mr. President, the Ensign amendment basically rearranges what we call the merit-based system that has been included in this legislation. This was the subject of a good deal of debate: Do we want to develop a merit-based system that has been developed in some other countries. It has had some success in some areas, some challenges in others.

During the debate there was a question about how we would develop a merit-based system to take in the needs of the United States. There are important needs in high skills, but we also understand from the Department of Labor that 8 out of the 10 areas of occupations are basically low skill, what they call low skill. Those may be teachers, they may be managers, or professional people in some areas, but they are basically individuals who have very important skills that are essential to the American economy.

We had debate about how we were going to work out that merit system, and in that whole process we worked diligently to find a system that is going to respect the higher skilled but also provides some opportunity for the low skilled as well to be able to gain entry and then to gain what we call the sufficient points to move far forward and able to gain green cards and eventually citizenship.

The Ensign amendment absolutely emasculates that amendment and virtually closes out all of the low-skilled possibilities for people who might come on in as temporary workers or may come on in under other provisions of this legislation. Under the Ensign amendment, all of those individuals, the lower skilled, are effectively eliminated and closed out, make no mistake about it. Make no mistake about it.

Finally, we have provisions in the legislation dealing with the higher skills, called the H–1B provisions. That is directly related to higher skills. We have addressed that issue in other provisions of the legislation.

For those reasons, I would hope the Ensign amendment would not be accepted.

AMENDMENT NO. 1339

Mr. President, on the Vitter amendment, let me add some additional points to this debate. A great deal of time was spent listening to Secretary Chertoff, to making recommendations about what is going to be in the national security interest to preserve our borders. That was one of the most important parts of the development of this legislation.

Senator ISAKSON came forward with a very important suggestion and a proposal with regard to ensuring that we were going to have true national security, protection of our national security before other provisions were going to be set forth. We have had good chances during the period of these past months to work with Homeland Security and to work with all of the Members of this body to ensure we were going to have effective provisions to protect national security. We even accepted a Gregg amendment which we believed added to the provisions that were accepted.

It is our belief those provisions are sufficient, the allocations of resources for the border, the utilization of enhanced border patrols, the enhanced border security, which has been outlined time and again during the course of this debate. They are sufficient. So I would hope at the time that amendment is addressed it would not be accepted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1316

Mr. MCCAIN. Mr. President, I rise in opposition to the Dorgan amendment. I was a little surprised to see it in order, but that happens quite often around here. This is the same amendment we voted on a couple of weeks ago. It was a close vote, I realize, but I didn't know we were going to have a practice of second chances on amendments after they were defeated.

It seems to me this is something that is very unnecessary. But if we get into the custom here with so many amendments that we vote again and again, I don't think that is good for this process. I think the process that has taken place so far has been very commendable. Both managers have done a great job, but this is another attempt to do away with the temporary worker program. It is another attempt to kill this legislation. That is what it will do. That is exactly what this amendment does.

We had vigorous debate on it once, with a long period of debate, and it was defeated. Now, basically, we are having another vote again. I don't think that is appropriate. But more important, one thing that hasn't changed, I say to my colleagues, if you pass this, it kills the bill. We have made too much progress with too much debate and with too much consensus to revisit the same issue over again and have it carry this time.

I am sure the sponsor of the amendment has some reason for bringing it up again, but I don't think there is a good reason, and I hope we will reject this amendment because it has already been rejected.

I urge my colleagues to vote ''no'' on the Dorgan amendment.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I take the time on the Dorgan amendment myself. How much time remains on this?

The PRESIDING OFFICER. The Senator from Massachusetts has 5 minutes.

Mr. KENNEDY. Mr. President, I have opposed the Dorgan amendment each time for very important and basic reasons. We are attempting to secure our borders. We are going to secure our borders. We know, even when we secure our borders, we are going to have pressure on those borders to come through. People are either going to come through the front door or they are going to come through the back door.

What do I mean by that? If they are coming through the back door, they are going to be the undocumented and the exploited undocumented workers, such as we have seen in my own city of New Bedford, where they are arrested and exploited and are driving down wages. If they come through the front door, they are going to meet the needs of American industry when we find there are no existing options for American workers. There is going to be the requirement that you have to get American workers first. We have accepted that and restated that with the Durbin amendment. But if they are able to gain entry into the United States, they are going to have the kind of protections that are included in the legislation.

I have listened to those who have been opposed to the temporary workers, saying there are no rights and protections for these temporary workers. They ought to read the bill. They ought to read the bill, because any temporary worker who is going to be hired is going to be guaranteed the prevailing wage, they are going to be protected by the OSHA provisions, they are going to be protected by workmen's compensation, and they are going to have the opportunity, we believe, over a period of time, if they have come in, to try to improve themselves, to learn English, to involve themselves in an employment program to begin to go up the ladder in terms of getting a green card. So that is the choice.

If we act to eliminate the temporary worker program, we are going to find what we have at the present time, that hundreds of individuals die in the desert; that we are going to have those individuals who are able to gain entry in the United States and are undocumented and they are going to be exploited, as they are exploited today, and they will drive down wages, as happens today. That happens to be the situation.

Some like some temporary worker programs better than others, but we have the one we have in this bill and we have every intention to try and make it work. We have set up a careful system in the bill to accommodate the concerns about the size of the temporary worker program. There is, as well, a market-based adjustment that is crucial to the provision in the bill, and I think it would be a great mistake to effectively emasculate the temporary worker program. That is what the Dorgan amendment would do.

Mr. President, I believe that I am the only one who has time that is remaining. If that be the case, I would be glad to yield back the remaining time.

I ask if the Chair would be good enough to state the amendments, the first amendment that would be before the Senate at this time. We have a series of different votes, and I think we ought to have the opportunity to make sure all of us understand exactly what we are voting on.

I believe the hour of 10 o'clock has arrived, and I yield whatever time remains, and I think we expect yeas and nays votes on all of them.

AMENDMENT NO. 1183

The PRESIDING OFFICER. The question occurs on the Clinton amendment, No. 1183.

Mr. KYL. Mr. President, I make a point of order that the pending Clinton amendment, No. 1183, to S. 1348, violates section 201, the pay-as-you-go point of order of S. Con. Res. 21, the concurrent resolution on the budget for fiscal year 2008.

Mr. KENNEDY. Mr. President, I move to waive the applicable provisions in the Budget Act and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on the motion.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER (Mr. BROWN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 53, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—44

Akaka	Harkin	Murray
Bayh	Inouye	Nelson (FL)
Biden	Kennedy	Nelson (NE)
Bingaman	Kerry	Obama
Boxer	Klobuchar	Reed
Brown	Kohl	Reid
Cantwell	Landrieu	Rockefeller
Cardin	Lautenberg	Salazar
Casey	Leahy	Sanders
Clinton	Levin	Schumer
Conrad	Lieberman	Stabenow
Dorgan	Lincoln	Webb
Durbin	McCaskill	Whitehouse
Feingold	Menendez	Wyden
Feinstein	Mikulski	

NAYS—53

Alexander	Crapo	McCain
Allard	DeMint	McConnell
Baucus	Dole	Murkowski
Bennett	Domenici	Pryor
Bond	Ensign	Roberts
Brownback	Enzi	Sessions
Bunning	Graham	Shelby
Burr	Grassley	Smith
Byrd	Gregg	Snowe
Carper	Hagel	Specter
Chambliss	Hatch	Stevens
Coburn	Hutchison	Sununu
Cochran	Inhofe	Tester
Coleman	Isakson	Thune
Collins	Kyl	Vitter
Corker	Lott	Voinovich
Cornyn	Lugar	Warner
Craig	Martinez	

NOT VOTING—2

Dodd	Johnson

The PRESIDING OFFICER. On this vote, the yeas are 44, the nays are 53. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The point of order is sustained and the amendment falls.

AMENDMENT NO. 1374

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1374, offered by the junior Senator from Nevada, Mr. ENSIGN.

Who yields time? The Senator from Nevada is recognized.

Mr. ENSIGN. Mr. President, my amendment goes to the merit-based system. We have a serious problem in this country where we are graduating incredible engineers from our high-tech universities. When they graduate, we say: You must go home.

I had a company in my office today from Silicon Valley. They are opening an office in Singapore, hiring American graduates, foreign-born graduates from American universities, opening in Singapore because they cannot hire them in this country. There are not enough visas.

My amendment fixes the merit-based system and says we want to attract the best and the brightest from around the world. The high-tech community supports my amendment because they think the underlying bill is flawed.

Mr. President, India and China will graduate 600,000 to 700,000 engineers. We will be graduating 65,000 to 70,000. Half of ours are foreign-born. We do not have enough of that brain power coming into this country like we have had in the past. Those who came here will come here and create opportunities for other people in the United States.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, the merit-based system that is included in this legislation as it exists at the present time is heavily skewed toward the high skills. I would say 75 to 80 percent of those who are going to qualify in the merit-based system are going to be for the highly skilled.

There is the reservation under the skill system, 25 or 30 percent for lower skills because our economy designed high skills, and the Department of Labor says 8 out of 10 occupations that our Nation needs are low skills: teacher's aides, home health aides, and others.

That has been worked out. That is the way it is. Under the Ensign amendment you would completely skew it to shortchange all of the low skills, all for the high skills. We are taking care of the high skills with the H–1B program. If we need to do something about that, then let's have amendments to do it.

But this way effectively is saying to millions of people who have come here and have been absolutely indispensable to our economy that they are never going to have a chance to be part of the American dream.

I hope the amendment will be defeated.

Mr. ENZI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 196 Leg.]

YEAS—42

Alexander	DeMint	McConnell
Allard	Dole	Murkowski
Baucus	Domenici	Nelson (NE)
Bennett	Dorgan	Pryor
Bond	Ensign	Roberts
Bunning	Enzi	Sessions
Burr	Grassley	Shelby
Chambliss	Gregg	Smith
Coburn	Hatch	Stevens
Cochran	Hutchison	Sununu
Conrad	Inhofe	Tester
Corker	Isakson	Thune
Cornyn	Lincoln	Vitter
Crapo	Lott	Warner

NAYS—55

Akaka	Graham	Mikulski
Bayh	Hagel	Murray
Biden	Harkin	Nelson (FL)
Bingaman	Inouye	Obama
Boxer	Kennedy	Reed
Brown	Kerry	Reid
Brownback	Klobuchar	Rockefeller
Byrd	Kohl	Salazar
Cantwell	Kyl	Sanders
Cardin	Landrieu	Schumer
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Voinovich
Collins	Lugar	Webb
Craig	Martinez	Whitehouse
Durbin	McCain	Wyden
Feingold	McCaskill	
Feinstein	Menendez	

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1374) was rejected.

AMENDMENT NO. 1384

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1384 offered by the Senator from Colorado, Mr. SALAZAR. Who yields time?

Mr. SALAZAR. Mr. President, I ask for a ''yes'' vote on Salazar 1384 and a ''no'' vote on Inhofe 1151, and the 2 minutes under that time I will yield to Senator DOMENICI from New Mexico.

Mr. INHOFE. Parliamentary inquiry, before the Senator speaks: Is the 2 minutes equally divided?

The PRESIDING OFFICER. It is 2 minutes equally divided. The senior Senator from New Mexico is recognized.

Mr. SALAZAR. Parliamentary inquiry: The senior Senator from New Mexico is recognized for 2 minutes to speak on both amendments?

The PRESIDING OFFICER. We are now considering only the Salazar amendment. There are 2 minutes to be divided equally.

Mr. SALAZAR. I ask unanimous consent that the senior Senator from New Mexico be given 2 minutes to speak on both Salazar 1384 and Inhofe 1151.

Mr. INHOFE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SALAZAR. I yield 1 minute on Salazar 1384 and request a ''yes'' vote and yield the time to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I, too, ask for a ''yes'' vote on the Salazar-Domenici amendment which everybody should understand says that the English language is the common language of the United States. I come from a State that is different from most of yours in that we have had a long history of trouble regarding what language we speak; this has been so from the very time New Mexico started to become a State. The legislature of the United States played around with New Mexico in an effort to see if there could be enough Anglos so there wouldn't be a majority of Spanish speakers at the State's infancy. We were told we had to wait for Statehood until there was a majority of English speakers in New Mexico, and the U.S. Supreme Court later said the Congress could not do that to New Mexico. New Mexico could do what they desired. We voted in a State constitution that still stands that says English and Spanish are common languages and you can speak both languages.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, this is very simple. I hope everyone understands and is listening. We are going to have an opportunity in a few minutes to vote on another amendment which we will describe at that time with 2 minutes equally divided.

If you are opposed to English as the national language of the United States, then vote for the Salazar amendment. That is exactly what it does. His amendment says anyone who receives Federal money is entitled—this is an entitlement—to have the documentation in any language he or she chooses. It could be in Swahili, French, any other language.

So if you are opposed to English as the national language, go ahead and vote for this amendment. But keep in mind, when you do, that 91 percent of Americans are on our side of this issue and want English to be the national language, and 76 percent of the Hispanics, as a result of a poll that was taken in May of this year—a Zogby poll—are for English as the national language.

I ask you to defeat the Salazar amendment.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to Salazar amendment No. 1384.

Mr. SALAZAR. Mr. President, 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 bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 58, nays 39, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—58

Akaka	Feingold	Murray
Baucus	Feinstein	Nelson (FL)
Bayh	Hagel	Nelson (NE)
Bennett	Harkin	Obama
Biden	Inouye	Reed
Bingaman	Kennedy	Reid
Boxer	Kerry	Rockefeller
Brown	Klobuchar	Salazar
Brownback	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Snowe
Carper	Leahy	Specter
Casey	Levin	Stabenow
Clinton	Lieberman	Tester
Coleman	Lincoln	Warner
Collins	Lugar	Webb
Conrad	McCaskill	Whitehouse
Domenici	Menendez	Wyden
Dorgan	Mikulski	
Durbin	Murkowski	

NAYS—39

Alexander	DeMint	Martinez
Allard	Dole	McCain
Bond	Ensign	McConnell
Bunning	Enzi	Pryor
Burr	Graham	Roberts
Byrd	Grassley	Sessions
Chambliss	Gregg	Shelby
Coburn	Hatch	Smith
Cochran	Hutchison	Stevens
Corker	Inhofe	Sununu
Cornyn	Isakson	Thune
Craig	Kyl	Vitter
Crapo	Lott	Voinovich

NOT VOTING—2

Dodd	Johnson	y

The amendment (No. 1384) was agreed to.

Mr. DURBIN. 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 Colorado.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the amendment be modified to be a first-degree amendment.

Mr. INHOFE. Mr. President, reserving the right to object—I object.

The PRESIDING OFFICER. Objection is heard.

Mr. INHOFE. Mr. President, I withdraw my objection.

The PRESIDING OFFICER. The objection is withdrawn.

AMENDMENT NO. 1151

Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1151 offered by the Senator from Oklahoma, Mr. INHOFE.

The Senator from Oklahoma is recognized for 1 minute.

Mr. INHOFE. Mr. President, last year, a year and a month ago, we had this same vote. Sixty-two people in this Chamber voted in favor of it, and I will ask them to do the same again. This, very simply—we talked about this many times—makes English the official, the national language of the United States as opposed to giving an entitlement to anyone, to any other language, which is in, of course, the amendment we passed.

If this amendment passes, it will go to conference, and we will have an opportunity to do something in conference to decide whether it is a combination of these or one or the other should prevail. So I ask that you do what 90 percent of your constituents want you to do and that is vote yes on the Inhofe amendment to make English the national language of the United States of America.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Colorado is recognized for 1 minute.

Mr. SALAZAR. Mr. President, I ask my colleagues to vote no on 1151 for three reasons. First, it is in violation of the very delicate compromise, the bipartisan compromise that has been put together by both Republicans and Democrats. Second of all, it is an absolute transparent attempt to undo the Executive Orders of President Bush and President Clinton and the implementation memorandums from both of those Presidents. Third, this is a States' rights issue.

Fourth, for me, I remember having my mouth washed out with soap as a young man for speaking the Spanish language, which is my native language. I love English and we should encourage people to speak English.

This amendment is nothing but a divisive amendment among the people of the United States. I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

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 Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 33, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—64

Alexander	Dole	Mikulski
Allard	Dorgan	Murkowski
Baucus	Ensign	Nelson (FL)
Bennett	Enzi	Nelson (NE)
Bond	Graham	Pryor
Brownback	Grassley	Roberts
Bunning	Gregg	Sessions
Burr	Hagel	Shelby
Byrd	Hatch	Smith
Cardin	Hutchison	Snowe
Carper	Inhofe	Specter
Chambliss	Isakson	Stevens
Coburn	Klobuchar	Sununu
Cochran	Kyl	Tester
Coleman	Landrieu	Thune
Collins	Lincoln	Vitter
Conrad	Lott	Voinovich
Corker	Lugar	Warner
Cornyn	Martinez	Webb
Craig	McCain	Wyden
Crapo	McCaskill	
DeMint	McConnell	

NAYS—33

Akaka	Feingold	Menendez
Bayh	Feinstein	Murray
Biden	Harkin	Obama
Bingaman	Inouye	Reed
Boxer	Kennedy	Reid
Brown	Kerry	Rockefeller
Cantwell	Kohl	Salazar
Casey	Lautenberg	Sanders
Clinton	Leahy	Schumer
Domenici	Levin	Stabenow
Durbin	Lieberman	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1151) was agreed to.

AMENDMENT NO. 1415

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1415 offered by the Senator from Texas, Mrs. HUTCHISON.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that Senator ALLARD be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, the underlying bill does not allow Social Security credits for work done with a fraudulent card. However, it does allow credit for work done on visa overstays. We all know that is estimated to be about 40 percent of the 12 million estimated illegal immigrants.

Mr. President, if we don't pass this amendment, it could jeopardize the integrity of the Social Security system for all the hard-working people who are going to depend on that for their retirement. It would be a loss of about $28 billion per year. I urge adoption of my amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank the Senator from Texas. She has worked with the managers of this legislation. We are prepared to accept this amendment. We thank her for the courtesy, and we hope the membership will support her amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment (No. 1415) was agreed to.

AMENDMENT NO. 1339

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate, equally divided, on amendment No. 1339 offered by the Senator from Louisiana, Mr. VITTER.

The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, this amendment is very simple and straightforward. It would add to the enforcement trigger mechanism of the bill that the US–VISIT Program be fully operational. This is the entry/exit system program that has been authorized since 1996 but has never been put into operation.

As Senator HUTCHISON just mentioned, we all know a huge part of the

illegal immigration problem is visa overstays. The latest estimate, in 2006, is that 4 million to 5.5 million visa overstays are illegal immigrants in this country. We cannot get a handle on that problem without the US–VISIT system knowing when people are leaving the country and, thus, whether they are overstaying their visa. Yet that is not part of the enforcement mechanism in the bill at all.

Let's vote for this amendment and make it part of the bill.

Mr. KENNEDY. Mr. President, there was no difference among all of us in trying to ensure that we were going to have a secure America. We worked very closely with Secretary Chertoff. In this legislation, we have increased it to 27,000 detention beds, 20,000 border guards, 375 miles of fencing, 275 vehicle barriers, 70 ground-based radars and cameras, sensors, and 4 unmanned aerial vehicles. We accepted the Isakson trigger, saying that the other aspects of this legislation will not go into effect until these are committed. Then we accepted the Gregg additions. We are in the process now of trying to negotiate with the administration to get mandatory spending to make sure all these are done, and done expeditiously.

The Secretary of Homeland Security thinks we have met our responsibilities. I hope the amendment will not be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Louisiana.

Mr. VITTER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—48

Alexander	DeMint	Murkowski
Allard	Dole	Nelson (NE)
Baucus	Dorgan	Pryor
Bennett	Ensign	Roberts
Bond	Enzi	Rockefeller
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burr	Hatch	Smith
Byrd	Hutchison	Snowe
Chambliss	Inhofe	Stabenow
Coburn	Isakson	Stevens
Coleman	Landrieu	Sununu
Corker	Lincoln	Tester
Cornyn	Lott	Thune
Craig	McCaskill	Vitter
Crapo	McConnell	Webb

NAYS—49

Akaka	Cantwell	Collins
Bayh	Cardin	Conrad
Biden	Carper	Domenici
Bingaman	Casey	Durbin
Boxer	Clinton	Feingold
Brown	Cochran	Feinstein
Graham	Levin	Reid
Gregg	Lieberman	Salazar
Harkin	Lugar	Sanders
Inouye	Martinez	Schumer
Kennedy	McCain	Specter
Kerry	Menendez	Voinovich
Klobuchar	Mikulski	Warner
Kohl	Murray	Whitehouse
Kyl	Nelson (FL)	Wyden
Lautenberg	Obama	
Leahy	Reed	

NOT VOTING—2

Dodd Johnson

The amendment (No. 1339) was rejected.

Mr. KYL. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1202

The PRESIDING OFFICER. Under the previous order, there is 2 minutes of debate equally divided on amendment No. 1202 offered by the Senator from Illinois, Mr. OBAMA.

Mr. OBAMA. Mr. President, this amendment is very simple. It sunsets after 5 years the points system that has been structured in this bill. I wish to emphasize that I think the authors of this legislation deserve credit for working diligently and coming up with a carefully balanced bill, but the points system we are transitioning to is a radical departure from the one we have had in the past. The question is, do we, after 5 years, take a look and see whether it is working properly? Is it one that is inhibiting families from unifying in this country? Is it something that is making it easier or harder for employers to operate effectively in a lawful fashion?

What this amendment simply says is that after 5 years, we will reexamine the bill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. OBAMA. I leave it there. I ask my colleagues to support the amendment.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from South Carolina is recognized for 1 minute.

Mr. GRAHAM. Mr. President, I say to my colleagues who worked to put this bill together, they know what this does. The deal is that in 8 years people will be reunited as families who never would have seen each other for maybe 30 years. We have united families in 8 years. The Z visa people have a chance to start over, but only after the backlog is cleared.

The merit-based system is the vehicle to be used after 8 years so they can come into our system and maybe one day be a citizen and get a green card. If we sunset the merit-based system at 5 years, there is no vehicle left, and to us over here, what would my colleagues say if we sunsetted the Z program in 5 years? My colleagues would walk, and they should.

This is not right. This does not help us as a country.

This destroys the vehicle to solve a problem that has been neglected for 20-something years.

I ask my colleagues to vote no for the sake of the country.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to amendment No. 1202.

Mr. OBAMA. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 42, nays 55, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—42

Akaka	Feingold	Murray
Baucus	Hagel	Nelson (FL)
Bayh	Harkin	Nelson (NE)
Biden	Inouye	Obama
Bingaman	Kerry	Reed
Boxer	Klobuchar	Reid
Brown	Kohl	Rockefeller
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Casey	Leahy	Stabenow
Clinton	Levin	Tester
Conrad	Lieberman	Webb
Dorgan	McCaskill	Whitehouse
Durbin	Menendez	Wyden

NAYS—55

Alexander	Dole	McConnell
Allard	Domenici	Mikulski
Bennett	Ensign	Murkowski
Bond	Enzi	Pryor
Brownback	Feinstein	Roberts
Bunning	Graham	Salazar
Burr	Grassley	Sessions
Cardin	Gregg	Shelby
Carper	Hatch	Smith
Chambliss	Hutchison	Snowe
Coburn	Inhofe	Specter
Cochran	Isakson	Stevens
Coleman	Kennedy	Sununu
Collins	Kyl	Thune
Corker	Lincoln	Vitter
Cornyn	Lott	Voinovich
Craig	Lugar	Warner
Crapo	Martinez	
DeMint	McCain	

NOT VOTING—2

Dodd Johnson

The amendment (No. 1202) was rejected.

AMENDMENT NO. 1316

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on amendment No. 1316 offered by the Senator from North Dakota, Mr. DORGAN.

Mr. REID. Mr. President, will this be the last vote?

The PRESIDING OFFICER. This will be the last vote; that is correct.

The Senator from North Dakota is recognized for 1 minute.

Mr. DORGAN. Mr. President, this is a sunset of the temporary worker program in 5 years. It is a new bill, a new program, with more questions than answers. It seems to me that we ought to ask some questions at the end of 5 years.

In the fifth year, we will have 600,000 jobs assumed by temporary workers coming in; in the fourth year, 400,000 jobs, and on and on. So the question is, How many of them are going to leave? What if they do not leave? Are we going to come back to the floor with a new immigration bill, talking about illegal immigration? Why don't we sunset after 5 years to see if this has worked?

Let me make a final point as we vote. We have had a lot of discussion about immigration, but no one on the floor of the Senate is talking about the impact on American workers. All of these jobs the temporary workers will assume are going to compete with people at the bottom of the economic ladder in this country. They are called American workers as well.

Let us sunset this and evaluate what we are doing, what kind of contribution to illegal immigration this will amount to, and what impact it has on American workers. Let us sunset this at the end of 5 years.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, this is the third time we have dealt with this issue. As much as I respect the Senator from North Dakota, he doesn't care more about American workers than I do.

The fact is, if you have a secure border, workers are either going to come in through the front door or the back door. If they come in through the back door, as they are now doing, they are going to be exploited and humiliated. If they come through the front door, as a result of the fact that there is no American worker prepared to take that job, they are going to get labor protections, the prevailing wage, OSHA protections, workmen's compensation, and they are going to have those kinds of protections which they do not have now.

You may not like the temporary worker program, but we have to have predictability for a period of time. In the legislation are correcting mechanisms for this program. Let us at least give it a chance to work.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to amendment No. 1316.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 48, as follows:

[Rollcall Vote No. 201 Leg.]

YEAS—49

Baucus	Enzi	Obama
Bayh	Feingold	Reed
Biden	Harkin	Reid
Bingaman	Inhofe	Rockefeller
Boxer	Inouye	Sanders
Brown	Klobuchar	Schumer
Bunning	Kohl	Sessions
Byrd	Landrieu	Shelby
Cardin	Lautenberg	Stabenow
Casey	Leahy	Sununu
Clinton	Levin	Tester
Conrad	McCaskill	Thune
Corker	Menendez	Vitter
DeMint	Mikulski	Webb
Dole	Murray	Wyden
Dorgan	Nelson (FL)	
Durbin	Nelson (NE)	

NAYS—48

Akaka	Crapo	Lott
Alexander	Domenici	Lugar
Allard	Ensign	Martinez
Bennett	Feinstein	McCain
Bond	Graham	McConnell
Brownback	Grassley	Murkowski
Burr	Gregg	Pryor
Cantwell	Hagel	Roberts
Carper	Hatch	Salazar
Chambliss	Hutchison	Smith
Coburn	Isakson	Snowe
Cochran	Kennedy	Specter
Coleman	Kerry	Stevens
Collins	Kyl	Voinovich
Cornyn	Lieberman	Warner
Craig	Lincoln	Whitehouse

NOT VOTING—2

Dodd	Johnson

The amendment (No. 1316) was agreed to.

Mr. DORGAN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. 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 Texas.

Mr. CORNYN. Mr. President, I know the hour is late and we have had a long day. I think it has been a very productive day. Due to the delay in getting amendments actually voted on, of course, the amendment I had voted on this morning had been pending for a full 2 weeks before we were able to secure an agreement to vote.

I ask unanimous consent to call up some of my pending amendments so we can get them pending. I ask unanimous consent that my amendment 1400, which is at the desk, be called up for immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Mr. President, I would have to object. We are in the process of attempting to clear up these. We have had a very full day. I want to thank the Senator from Texas for his cooperation. We will try to address these in an orderly way. We have been trying to process some of these back and forth. I think we have made extraordinary progress today. We are trying to make sure everyone's voice and interests positioned on those issues are going to have an opportunity to be heard. Now I have to object. I will work with the Senator and see if we cannot arrange time for consideration.

The PRESIDING OFFICER. Objection is heard.

Mr. CORNYN. Mr. President, I know it has been a long day. But the majority leader has filed a cloture motion which will be voted on tomorrow. There is concern that there are many amendments that have been filed which have not been allowed to be called up and be made pending.

While I think there have been some recent indications that there is more of a willingness to allow amendments to be considered, I am very concerned, because of the procedural posture we will find ourselves in very soon, that some of these amendments will not be allowed to be considered.

I am concerned as well that may very well affect how many of us are required to vote on cloture. I think there has been a recent spirit of cooperation which I hope continues. But if there is going to be an insistence on a vote on cloture, and at the same time a denial of the opportunity of many of us to call up amendments and actually have them considered and voted on, I do not think we will have any alternative but to vote against cloture.

I regret the reluctance to allow us to call up amendments continues at this time. If permitted, I want to call up at least four of my amendments: 1400, 1208, 1337, and 1399. But I understand there has been objection lodged. There likely will be objection lodged to additional unanimous consent requests.

I would note for the record here that there are a lot of other amendments that have not been allowed to be considered, and we have got a lot of work to do before we can consider that everybody has had the opportunity to call up amendments and have them voted on.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I would state for the record that last year before cloture was successfully invoked on immigration, the Senate disposed of 30 amendments with 23 rollcall votes. This year, after votes just completed, the Senate has disposed of 41 amendments, with 27 rollcall votes, 11 amendments more than when we last considered this bill under the other party's control. Not counting side-by-side alternative amendments, there have been 18 Democratic amendments offered, compared to 21 Republican amendments. Counting side by sides, it is 21 Democrats, 22 Republicans. So I would say to my friend from Texas, by standards of the last debate on the immigration bill, we have considered 11 more amendments, we have had more rollcall votes, there have been more side by sides and other votes offered from the Republican side than the Democratic side.

So I say at this point this has been a fair and complete process. It is now 12:20 in the morning. We have worked a long day; probably have 2 long days ahead of us. But to argue that Members have not had their chance to express themselves through the amendment process is not reflected in the actual vote.

Mr. CORNYN. Mr. President, I do not dispute the numbers. They are what

they are. But I would point out that this bill did not go through the Judiciary Committee. Last year when the McCain-Kennedy amendment and the bill considered in the Judiciary Committee, I believe there were 62 amendments filed. I think there were a lot more filed than that, but actually 62 amendments. So there was a process at the Judiciary Committee level last year which gave people an opportunity to have their positions heard. That has not been the case this year. I would point that out as an obvious point of distinction. I hope there is not going to be any attempt to try to force this bill through before Senators are ready to consider all or at least a reasonable number of amendments, because I do not think we will have any alternative but to vote against cloture, to allow debate to continue and allow additional amendments to be heard.

Mr. DURBIN. Mr. President, in the interests of allowing Senator CORNYN and other Senators to offer amendments, I make a unanimous consent request that cloture votes be postponed tomorrow until 4 p.m. so Senator CORNYN and others who wish to can offer amendments before the cloture vote.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. Mr. President, reserving the right to object, I believe a demonstration of willingness to allow us to call up amendments and have them debated and actually voted on would have been reflected in the last 2 weeks. As I have pointed out, I was denied for a full 2 weeks an opportunity to have the very first amendment I called up actually scheduled for a vote. I know the distinguished deputy majority leader is acting in good faith. But I think we need to have a vote on that cloture motion at the time it is currently scheduled. So I would respectfully object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Alabama.

Mr. SESSIONS. Mr. President, I have offered amendments on a number of occasions and had asked those amendments be made pending, and set aside the pending business to make certain amendments pending. I have had objection.

At this time I once again ask that amendment No. 1323, which we referred to as the Charlie Norwood amendment, that deals with empowering State and local law enforcement officers to participate through the normal process, if they choose, be in order.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. SESSIONS. Mr. President, it is pretty clear what has been occurring is very few amendments have had the opportunity to get a real debate. This is an important amendment. It deals with whether local law enforcement can actually participate in any meaningful way in the enforcement of Federal immigration laws. I will tell you what the facts are, with the help from my fine staff chief counsel, Cindy Hayden.

We wrote a law review article for Stanford University Law School that dealt with this issue, and it is a very important issue. It is one well-understood by the legal professionals who have been behind the scenes crafting this legislation.

The ninth circuit has held that visa overstays, which make up 40, maybe 45 percent, and in the future, if this bill becomes law, maybe more than 50 percent of the people illegally in the country, would be visa overstays.

Those persons, if involved in some traffic accident, like many of the terrorists were before 9/11—they were stopped for traffic violations by local police officers, but because that is not a normal criminal violation, as is the case for people who have come across the border, they are not detainable under the ninth circuit ruling by local police officers.

So it is a weird thing. Several other circuits seem to have held differently. But the ninth circuit case was most on point. Lawyers for police departments all over America are telling their police departments: You may not have authority to hold anybody, so even if you apprehend someone you are concerned about who could even be a terrorist, like those people involved in 9/11, or like John Malvo, who was involved in those murders, was stopped for traffic violations, we do not have a system in place to even allow local police to detain them for even a short period of time until they are turned over to the Federal authorities.

That is the way the system ought to work. There are 600,000 to 800,000 State and local law enforcement officers in America. We are not trying to mandate that they do anything. But in the course of their business, their normal duties, if they come upon people in violation of the law, they ought to be able to hold them and turn them over to the Federal authorities.

I am disappointed we are not getting to move forward on that amendment, very disappointed. We had this matter sort of fixed in Judiciary Committee last year. Then an amendment came up—somebody figured out the significance of it, and that amendment took it out. Ever since, any effort to get that to be made a part of this fix has been undermined and blocked.

I say to my colleagues, I do not believe anybody can say they have a commitment to having an enforceable immigration system if they throw roadblocks up that undermine the ability of State and local law enforcement to participate in their normal course of their duties by detaining people they come upon who are here illegally. You would think that would be an easy thing to get done. I have said before, it seems when it comes to immigration, many things can be accepted, many things people approve of. But if you come up with something that actually is very effective, that is what gets objected to. This is something that is critical. It is a testament and a test of our will and our seriousness as a body.

If we are not prepared to pass legislation like the Norwood amendment, named after former House Member Charlie Norwood from Georgia, who died recently, if we are not prepared to do that, we are not serious about this.

I will say one more thing. Time and time and time again, I have heard Members of this body say: Oh, we cannot vote for this amendment, or you must vote against that amendment. Why? Because we have an agreement. A compromise. It violates our compromise. Well, who was in on that compromise? I am frankly getting tired of that. That is not satisfactory to me.

The question really should be, is this amendment good or not good for the legitimate interests of the Nation? No one small group of people have a right to meet in secret with special interest groups and write an immigration bill and ram it down the throat of this Senate. I oppose it. It is not right. You can agree or disagree on these amendments, but do so on the merits, whether or not it actually makes sense, not on some deal made by some advocacy group or some business interest. That is not what this Senate is all about.

I hope today the people will begin to see that a small group of Senators who meet in secret and plot out a bill, that if printed in actual bill language would be 1,000 pages, don't have the power to say we can't have amendments and we can't change it, and if you do get an amendment up, we are all going to stick together and vote it down because it doesn't comply with our little compromise.

The masters of the universe are playing a tough game here. I have called them that affectionately. I respect the Members who have attempted to do what maybe they thought was right. But when you look at the bill, it is a product of a political compromise. A group of politicians met in secret and wrote a bill that is exceedingly technical, exceedingly important.

Let me tell you who was not there in this meeting. The American people were not there. Who was advocating for the American people?

I will tell you another group who was not there. That is the law enforcement agencies that are charged with enforcing our laws at the border. They weren't there. As a matter of fact, they had a press conference a couple of days ago. They were at the national press club and made a presentation. These are senior retired officials who had many decades of experience in enforcing our laws at the border. They uniformly condemn this legislation, as do the Border Patrol Agents Association. They condemn it roundly. Hugh Brien, himself an immigrant, became chief of the Border Patrol from 1986 to 1989. I started making notes on C–SPAN the night before last. I just happened to

turn it on. He said this bill is a ''sell out, a complete betrayal of the nation, a slap in the face to millions coming here legally.''

He referred to the people in 1986 who passed the 1986 act and promised it would do things as our masters and our mandarins, who said the bill was going to work and it never worked. He said:

Based on my experience, it's a disaster.

Kurt Lundgren, national chairman of the Association of Former Border Patrol Agents said this:

There are no meaningful criminal or terrorist checks in the bill.

He said:

Screening will not happen.

He said:

Congress is lying about it.

With regard to the proposal that record checks would be performed within 24 hours, he said:

There's no way records can be done in 24 hours. As to the proposal that Senator CORNYN tried to fix that allows gang members, MS–13 international gang organization groups to get amnesty by simply saying they renounce their allegiance to the gang, he said:

What planet are they from?

Jim Dorcy, an agent for 30 years and inspector general with the Department of Justice that handled investigations into all these areas involving the Border Patrol, internal investigations, he said:

The 24-hour check is a recipe for disaster.

Referring to the bill, Mr. Dorcy, 30 years with the Border Patrol said:

I call it the al-Qaida dream bill.

Roger Brandemuehl, chief of the Border Patrol from 1980 to 1986, second one I am calling on here that was chief of it, said:

We have fallen into a quagmire.

He said:

The so-called comprehensive reform is neither comprehensive nor reform.

He said:

It's flawed.

He set forth some principles that he thought would actually work. When asked had he been consulted by the masters of the universe who cobbled this bill together, a bunch of politicians who have never arrested anybody in their lives, they joked about it. They never have been consulted. Nobody wanted to know what they knew or cared about.

I will just wrap up and say I am not comfortable with the way this bill is going. I think we have been slow-walked in the way the majority leader and the group that is trying to move this bill forward is doing this. They are objecting to having amendments pending. So when cloture is filed, if an amendment is not pending, it fails. It can't be voted on postcloture. So this way they have been able to maintain control over the amendment process and will be able to maintain it, even if cloture is obtained tomorrow. I don't know what will happen tomorrow, but I know this: There are a lot of good amendments. I have seen some of the amendments Senator CORNYN has that are important. I know some of the amendments I have are important to having a good, lawful immigration system. There remain major flaws in this legislation. We should not pass it in its present form.

In rebuttal to the constant refrain that somehow this bill is going to end the lawlessness and create a lawful system, I point out that the Congressional Budget Office, just 2 years ago, issued their analysis of the bill and concluded there would only be a 25-percent reduction in the number of people coming into our country illegally. We have gone through all this, and we are only going to get a 25-percent reduction in the number of people who come here illegally, when we arrested last year over a million people. What kind of system is this?

I wish the principles and goals contained in the talking points that were bandied about early on in this process could have been achieved. I had hoped they would and said some good things about it because I thought some of the principles involved in this year's process were a bit better than last year, but the truth is, when you read the fine print, very little progress was made in those directions, and the major flaws continue. I just wish it weren't so. But that is my opinion of it. I don't think we are on the road to improving the bill. I don't think we are proceeding effectively to allow full debate and amendment.

I yield the floor.

AMENDMENT NO. 1311, AS MODIFIED, TO AMENDMENT NO. 1150

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Good morning, Mr. President.

On behalf of Senator COBURN, I call up amendment No. 1311 and ask that the amendment be modified with the changes at the desk and then be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE], for Mr. COBURN and Mr. DEMINT, proposes an amendment numbered 1311, as modified.

The amendment, as modified, is as follows:

(Purpose: To require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted)

Strike section 1 and all that follows through page 4, line 11 and insert the following:

SECTION 1. EFFECTIVE DATE TRIGGERS.

The provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, shall become effective on the date that the Secretary submits a written certification to the President and the Congress, based on analysis by and in consultation with the Comptroller General, that each of the following border security and other measures are established, funded, and operational:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security has established and demonstrated operational control of 100 percent of the international land border between the United States and Mexico, including the ability to monitor such border through available methods and technology.

(2) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol has hired, trained, and reporting for duty 20,000 full-time agents as of the date of the certification under this subsection.

(3) STRONG BORDER BARRIERS.—There has been—

(A) installed along the international land border between the United States and Mexico as of the date of the certification under this subsection, at least—

(i) 300 miles of vehicle barriers;

(ii) 370 miles of fencing; and

(iii) 105 ground-based radar and camera towers; and

(B) deployed for use along the along the international land border between the United States and Mexico, as of the date of the certification under this subsection, 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security is detaining all removable aliens apprehended crossing the international land border between the United States and Mexico in violation of Federal or State law, except as specifically mandated by Federal or State law or humanitarian circumstances, and United States Immigration and Customs Enforcement has the resources to maintain this practice, including the resources necessary to detain up to 31,500 aliens per day on an annual basis.

(5) WORKPLACE ENFORCEMENT TOOLS.—In compliance with the requirements of title III of this Act, the Secretary of Homeland Security has established, and is using, secure and effective identification tools to prevent unauthorized workers from obtaining employment in the United States. Such identification tools shall include establishing—

(A) strict standards for identification documents that are required to be presented by the alien to an employer in the hiring process, including the use of secure documentation that—

(i) contains—

(I) a photograph of the alien; and

(II) biometric data identifying the alien; or

(ii) complies with the requirements for such documentation under the REAL ID Act (Public Law 109-13; 119 Stat. 231); and

(B) an electronic employment eligibility verification system that is capable of querying Federal and State databases in order to restrict fraud, identity theft, and use of false social security numbers in the hiring of aliens by an employer by electronically providing a digitized version of the photograph on the alien's original Federal or State issued document or documents for verification of that alien's identity and work eligibility.

(6) PROCESSING APPLICATIONS OF ALIENS.—The Secretary of Homeland Security has received, and is processing and adjudicating in a timely manner, applications for Z nonimmigrant status under title VI of this Act,

including conducting all necessary background and security checks required under that title.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the border security and other measures described in subsection (a) shall be completed as soon as practicable, subject to the necessary appropriations.

(c) PRESIDENTIAL PROGRESS REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until the requirements under subsection (a) are met, the President shall submit a report to Congress detailing the progress made in funding, meeting, or otherwise satisfying each of the requirements described under paragraphs (1) through (6) of subsection (a), including detailing any contractual agreements reached to carry out such measures.

(2) PROGRESS NOT SUFFICIENT.—If the President determines that sufficient progress is not being made, the President shall include in the report required under paragraph (1) specific funding recommendations, authorization needed, or other actions that are or should be undertaken by the Secretary of Homeland Security.

(d) GAO REPORT.—Not later than 30 days after the certification is submitted under subsection (a), the Comptroller General shall submit a report to Congress on the accuracy of such certification.

(e) CERTIFICATION OF IMPLEMENTATION OF EXISTING PROVISIONS OF LAW.—

(1) IN GENERAL.—In addition to the requirements under subsection (a), at such time as any of the provisions described in paragraph (2) have been satisfied, the Secretary of the department or agency responsible for implementing the requirements shall certify to the President that the provisions of paragraph (2) have been satisfied.

(2) EXISTING LAW.—The following provisions of existing law shall be fully implemented, as previously directed by the Congress, prior to the certification set forth in paragraph (1):

(A) The Department has achieved and maintained operational control over the entire international land and maritime borders of the United States as required under the Secure Fence Act of 2006 (Public Law 109–367)

(B) The total miles of fence required under such Act have been constructed.

(C) All databases maintained by the Department which contain information on aliens shall be fully integrated as required by section 202 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1722).

(D) The Department shall have implemented a system to record the departure of every alien departing the United States and of matching records of departure with the records of arrivals in the United States through the US–VISIT program as required by section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note).

(E) The provision of law that prevents States and localities from adopting ''sanctuary'' policies or that prevents State and local employees from communicating with the Department are fully enforced as required by section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1373).

(F) The Department employs fully operational equipment at each port of entry and uses such equipment in a manner that allows unique biometric identifiers to be compared and visas, travel documents, passports, and other documents authenticated in accordance with section 303 of the Enhanced Border Security and Visa Entry Reform Act of 2002 (8 U.S.C. 1732).

(G) An alien with a border crossing card is prevented from entering the United States until the biometric identifier on the border crossing card is matched against the alien as required by section 101(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(6)).

(H) Any alien who is likely to become a public charge is denied entry into the United States pursuant to section 212(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(4)).

(f) PRESIDENTIAL REVIEW OF CERTIFICATIONS.—

(1) PRESIDENTIAL REVIEW.—

(A) IN GENERAL.—Not later than 60 days after the President has received a certification, the President may approve or disapprove the certification. Any Presidential disapproval of a certification shall be made if the President believes that the requirements set forth have not been met.

(B) DISAPPROVAL.—In the event the President disapproves of a certification, the President shall deliver a notice of disapproval to the Secretary of the department or agency which made such certification. Such notice shall contain information that describes the manner in which the immigration enforcement measure was deficient, and the Secretary of the department or agency responsible for implementing said immigration enforcement measure shall continue to work to implement such measure.

(C) CONTINUATION OF IMPLEMENTATION.—The Secretary of the department or agency responsible for implementing an immigration enforcement measure shall consider such measure approved, unless the Secretary receives the notice set forth in subparagraph (B). In instances where an immigration enforcement measure is deemed approved, the Secretary shall continue to ensure that the immigration enforcement measure continues to be fully implemented as directed by the Congress.

(g) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—

(1) IN GENERAL.—Not later than 90 days after the final certification has been approved by the President, the President shall submit to the Congress a notice of Presidential Certification of Immigration Enforcement.

(2) REPORT.—The certification required under paragraph (1) shall be submitted with an accompanying report that details such information as is necessary for the Congress to make an independent determination that each of the immigration enforcement measures has been fully and properly implemented.

(3) CONTENTS.—The Presidential Certification required under paragraph (1) shall be submitted—

(A) in the Senate, to the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security and Government Affairs; and the Committee on Finance; and

(B) in the House of Representatives, to the Speaker, the Majority Leader, the Minority Leader, and the chairman and ranking member of the Committee on the Judiciary, the Committee on Homeland Security; and the Committee on Ways and Means.

(h) CONGRESSIONAL REVIEW OF PRESIDENTIAL CERTIFICATION.—

(1) IN GENERAL.—If a Presidential Certification of Immigration Enforcement is made by the President under this section, subtitle A of title IV, title V, and subtitles A through C of title VI of this Act shall not be implemented unless, during the first 90-calendar day period of continuous session of the Congress after the date of the receipt by the Congress of such notice of Presidential Certification of Immigration Enforcement, the Congress passes a Resolution of Presidential Certification of Immigration Enforcement in accordance with this subsection, and such resolution is enacted into law.

(2) PROCEDURES APPLICABLE TO THE SENATE.—

(A) RULEMAKING AUTHORITY.—The provisions under this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the Senate, and as such they are deemed a part of the rules of the Senate, but applicable only with respect to the procedure to be followed in the Senate in the case of a Resolution of Immigration Enforcement, and such provisions supersede other rules of the Senate only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the Senate to change the rules (so far as relating to the procedure of the Senate) at any time, in the same manner, and to the same extent as in the case of any other rule of the Senate.

(B) INTRODUCTION; REFERRAL.—

(i) IN GENERAL.—Not later than the first day on which the Senate is in session following the day on which any notice of Presidential Certification of Immigration Enforcement is received by the Congress, a Resolution of Presidential Certification of Immigration Enforcement shall be introduced (by request) in the Senate by either the Majority Leader or Minority Leader. If such resolution is not introduced as provided in the preceding sentence, any Senator may introduce such resolution on the third day on which the Senate is in session after the date or receipt of the Presidential Certification of Immigration Enforcement.

(ii) REFERRAL.—Upon introduction, a Resolution of Presidential Certification of Immigration Enforcement shall be referred jointly to each of the committees having jurisdiction over the subject matter referenced in the Presidential Certification of Immigration Enforcement by the President of the Senate. Upon the expiration of 60 days of continuous session after the introduction of the Resolution of Presidential Certification of Immigration Enforcement, each committee to which such resolution was referred shall make its recommendations to the Senate.

(iii) DISCHARGE.—If any committee to which is referred a resolution introduced under paragraph (2)(A) has not reported such resolution at the end of 60 days of continuous session of the Congress after introduction of such resolution, such committee shall be discharged from further consideration of such resolution, and such resolution shall be placed on the legislative calendar of the Senate.

(C) CONSIDERATION.—

(i) IN GENERAL.—When each committee to which a resolution has been referred has reported, or has been discharged from further consideration of, a resolution described in paragraph (2)(C), it shall at any time thereafter be in order (even though a previous motion to the same effect has been disagreed to) for any Member of the Senate to move to proceed to the consideration of such resolution. Such motion shall not be debatable. If a motion to proceed to the consideration of such resolution is agreed to, such resolution shall remain the unfinished business of the Senate until the disposition of such resolution.

(ii) DEBATE.—Debate on a resolution, and on all debatable motions and appeals in connection with such resolution, shall be limited to not more than 30 hours, which shall be divided equally between Members favoring and Members opposing such resolution. A motion to further limit debate shall be in

order and shall not be debatable. The resolution shall not be subject to amendment, to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to recommit such resolution shall not be in order.

(iii) FINAL VOTE.—Immediately following the conclusion of the debate on a resolution of approval, and a single quorum call at the conclusion of such debate if requested in accordance with the rules of the Senate, the vote on such resolution shall occur.

(iv) APPEALS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a resolution of approval shall be limited to 1 hour of debate.

(D) RECEIPT OF A RESOLUTION FROM THE HOUSE.—If the Senate receives from the House of Representatives a Resolution of Presidential Certification of Immigration Enforcement, the following procedures shall apply:

(i) The resolution of the House of Representatives shall not be referred to a committee and shall be placed on the Senate calendar, except that it shall not be in order to consider such resolution on the calendar received by the House of Representatives until such time as the Committee reports such resolution or is discharged from further consideration of a resolution, pursuant to this title.

(ii) With respect to the disposition by the Senate with respect to such resolution, on any vote on final passage of a resolution of the Senate with respect to such approval, a resolution from the House of Representatives with respect to such measures shall be automatically substituted for the resolution of the Senate.

(3) PROCEDURES APPLICABLE TO THE HOUSE OF REPRESENTATIVES.—

(A) RULEMAKING AUTHORITY.—The provisions of this paragraph are enacted by Congress—

(i) as an exercise of the rulemaking power of the House of Representatives, and as such they are deemed a part of the rules of the House of Representatives, but applicable only with respect to the procedure to be followed in the House of Representatives in the case of Resolutions of Certification Immigration Enforcement, and such provisions supersede other rules of the House of Representatives only to the extent that they are inconsistent with such other rules; and

(ii) with full recognition of the constitutional right of the House of Representatives to change the rules (so far as relating to the procedure of the House of Representatives) at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(B) INTRODUCTION; REFERRAL.—Resolutions of certification shall upon introduction, be immediately referred by the Speaker of the House of Representatives to the appropriate committee or committees of the House of Representatives. Any such resolution received from the Senate shall be held at the Speaker's table.

(C) DISCHARGE.—Upon the expiration of 60 days of continuous session after the introduction of the first resolution of certification with respect to any measure, each committee to which such resolution was referred shall be discharged from further consideration of such resolution, and such resolution shall be referred to the appropriate calendar, unless such resolution or an identical resolution was previously reported by each committee to which it was referred.

(D) CONSIDERATION.—It shall be in order for the Speaker to recognize a Member favoring a resolution to call up a resolution of certification after it has been on the appropriate calendar for 5 legislative days. When any such resolution is called up, the House of Representatives shall proceed to its immediate consideration and the Speaker shall recognize the Member calling up such resolution and a Member opposed to such resolution for 10 hours of debate in the House of Representatives, to be equally divided and controlled by such Members. When such time has expired, the previous question shall be considered as ordered on the resolution to adoption without intervening motion. No amendment to any such resolution shall be in order, nor shall it be in order to move to reconsider the vote by which such resolution is agreed to or disagreed to.

(E) RECEIPT OF RESOLUTION FROM SENATE.—If the House of Representatives receives from the Senate a Resolution of Certification Immigration Enforcement, the following procedures shall apply:

(i) Such resolution shall not be referred to a committee.

(ii) With respect to the disposition of the House of Representatives with respect to such resolution—

(I) the procedure with respect to that or other resolutions of the House of Representatives shall be the same as if no resolution from the Senate with respect to such resolution had been received; but

(II) on any vote on final passage of a resolution of the House of Representatives with respect to such measures, a resolution from the Senate with respect to such resolution if the text is identical shall be automatically substituted for the resolution of the House of Representatives.

(i) DEFINITIONS.—In this section:

(1) PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Presidential Certification of Immigration Enforcement'' means the certification required under this section, which is signed by the President, and reads as follows:

''Pursuant to the provisions set forth in section 1 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 (the 'Act'), I do hereby transmit the Certification of Immigration Enforcement, certify that the borders of the United States are substantially secure, and certify that the following provisions of the Act have been fully satisfied, the measures set forth below are fully implemented, and the border security measures set forth in this section are fully operational.''.

(2) CERTIFICATION.—The term ''certification'' means any of the certifications required under subsection (a).

(3) IMMIGRATION ENFORCEMENT MEASURE.—The term ''immigration enforcement measure'' means any of the measures required to be certified pursuant to subsection (a).

(4) RESOLUTION OF PRESIDENTIAL CERTIFICATION OF IMMIGRATION ENFORCEMENT.—The term ''Resolution of Presidential Certification of Immigration Enforcement'' means a joint resolution of the Congress, the matter after the resolving clause of which is as follows:

''That Congress approves the certification of the President of the United States submitted to Congress on _____ that the national borders of the United States have been secured and, in accordance with the provisions of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.'',

TITLE I—BORDER ENFORCEMENT

SUBTITLE A—ASSETS FOR CONTROLLING UNITED STATES BORDERS.

SEC. 101. ENFORCEMENT PERSONNEL.

(a) Additional Personnel—

(1) U.S. CUSTOMS AND BORDER PROTECTION OFFICERS—In each of the fiscal years 2008 through 2012, the Secretary shall, subject to the availability of appropriations, increase by not less than 501 the number of positions for full-time active duty CBP officers and provide appropriate training, equipment, and support to such additional CBP officers.

Mr. COBURN. Mr. President, I rise to clarify the record of my vote on Bingaman amendment No. 1267. I intended to vote against the amendment. I do not support the amendment and I wish to explain why.

The Bingaman amendment No. 1267 would have allowed certain future legal temporary workers to renew their work visas from the United States, rather than being required to leave the country for a period of time to reapply. In order to have a true temporary worker program, workers must only come to the U.S. for a season and then return to their home country. If workers are instead permitted to stay in the U.S., they will likely establish economic and familial roots, and will not want to leave when their legal visa has expired. People who want to take part in our society should seek legal citizenship, rather than extending upon an agreement that was intended to be temporary. I encourage those who have respected our laws and want to live in our country to apply for a green card and become a U.S. citizen.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

63RD ANNIVERSARY OF D-DAY

Mr. CHAMBLISS. Mr. President, I stand before you to honor the memory of the heroes who sacrificed their lives on the beaches of Normandy 63 years ago today. It was these brave men who stared into the face of the stark unknown and forged on to military victory. Supreme Allied Commander and future President Dwight D. Eisenhower led the decisive invasion, now known as D-day, that brought liberation throughout Europe.

It was on June 6, 1944, at 6:30 a.m., that the first assault wave of a great armada rolled onto the beaches of Normandy, France. Operation Overlord commenced and everyone involved knew there was no turning back. And while the size and scope of the operation were colossal, so were the risks. The success of the battle hinged on the element of surprise, and with literally thousands of men involved in the planning, its secrecy hinged on those same men. It is clear these men were the epitome of unfailing loyalty, courage, and solidarity. The invasion had been postponed a day due to weather, and it was only after assurances from a meteorologist that conditions would improve that General Eisenhower agreed to proceed. But still, cloudy skies caused drop zones to be overshot, and

more than half of the equipment to be parachuted in was lost. But soldiers persisted, risks paid off, and bravery triumphed over peril. On that dangerous early morning, following a treacherous English Channel crossing, 150,000 Allied troops took the shore, and 100,000 continued inland. Mr. President, 9,000 men were lost that day, but it went down in history as the decisive battle that turned the tide of the war.

I am proud to bring your attention to what these men did. And as I recognize their valor on this remarkable anniversary, I think it is both fitting and necessary to recognize the valor of our troops in battle today who are no less brave, and who face uncertainty and risk, as did those who fought for freedom in the Second World War. I wish I could stand up here and draw other comparisons between these two wars—WWII and the global war on terror—and between the threats of Nazism and terrorism, because it is without a doubt that World War II, despite our human losses, brought a unity of cause to our Nation, and that would be a great place for us to be again. But the fact is that we are in a different world and a different century; we face a different enemy, and, most of all, our Nation has tremendous differences on how to deal with this enemy.

However, as with the heroism demonstrated by our fighting forces both then and now, there are other unmistakable parallels. The invasion on D-day marked a pivotal time in history when the outcome was uncertain. The great generals going into battle had faith and trust in their troops, but knew their bold strategy carried with it great risk. Just before the invasion, MG Leroy Watson, commander of the 3rd Armored Division, sent his troops this message:

> This is the greatest military operation in the history of the world. Its success or failure will determine the course of events for the next hundred years.

General Eisenhower, also uncertain about the outcome, prepared a letter which he never had to deliver, accepting responsibility for the loss. He expected catastrophic failure and military victory. He wrote to his troops:

> My decision to attack at this time and place was based upon the best information available. The troops, the Air and the Navy did all that bravery and devotion to duty could do.

The leaders knew the danger, but also knew the consequences of failure. In Iraq, and in the fight against terrorism, we must continue to stay the course, because the stakes of not winning are too high, and, as was the case on D-day, we are again in a pivotal time in history. And again, the outcome will surely determine the course of events for the remainder of this century.

D-day was a tremendous battle, with thousands of casualties over the course of a day. It was a time of great loss for our Nation. And amidst those losses stand stories of bravery, individual valor and resounding brotherhood—stories that enveloped the historic battle and personalized it for a nation. And I can tell you that the soldiers I met in Iraq, and the troops whose stories I heard at Fort Benning and Fort Stewart, will be remembered in the annals of our Nation as warriors who are as brave, as strong, and as committed as the heroes of D-day we remember today.

And the Generals who led these brave men will also never be forgotten. World War II saw Eisenhower, Patton, Marshall and Bradley—all of these men have secured their places in history. And today and in the future we will remember the legacies of Petraeus, Odierno, McChrystal, and Fallon—generals and admirals whose leadership, ingenuity, courage and forthrightness are shaping the Iraq strategy, and no doubt its military outcome.

So in drawing these parallels, my conclusion is that in the history of war, there are some constants: the bravery of soldiers, the uncertainty of battle, the value of leadership, and the necessity of victory. These things never change. They were evident on June 6, 1944, and they are evident today. And so it is on the 63rd anniversary of D-day, the decisive battle of World War II, that I recognize the heroes who fought, lived, and died valiantly. And I thank them and their families for setting an example and standard our warriors remember on the battlefield today, and for creating a generation that is willing and able to set the same standard and example for our heroes of tomorrow. I hope that our men and women in uniform serving around the world today will draw courage from the example of those who have gone before them as they execute the responsibilities we as a nation have trusted them to carry out.

TRIBUTE TO WILLIAM ''BILL'' FRANCE, JR.

Mr. MARTINEZ. Mr. President, I wish to speak today to pay tribute to a great Floridian, Bill France, Jr.—a man who lived the American dream, a man who literally turned an idea and hard work into a multibillion dollar national exhibition we today know as NASCAR.

Bill France was a great Floridian in many other ways as well. He was someone who contributed greatly to his local community of Daytona Beach, FL, as well as to the State of Florida at large. Mr. France left us at his home in Daytona Beach, when he passed away earlier this week after a long and difficult battle with cancer.

What we in Florida know, and what the news reports confirmed immediately following his death, is that Bill made NASCAR everything it is today: The sold-out races, the national network television coverage, the regalia and the memorabilia—it all can be credited to this man and his love of the sport.

Born right here in the Nation's capital, Bill France moved as a young man with his family, Bill France, Sr., and his mother Anne to Daytona Beach, FL, in 1935 to escape the Great Depression. With $100 in his pocket, Bill, Sr., started a new life for his family in Florida, setting up an auto repair shop and quickly taking a great interest in racing. In 1938, he would set up the Daytona Beach Road Course, and from there, as they say, the rest is history.

This course he set up back in those days was so unique, and to see photographs of it is one of those things that one can only harken back to the old Florida that is no more. But the races were essentially conducted on the strip of sand in Daytona Beach. They would circle around A1A, the strip of highway that was there at the time, and then circle back around on to the beach. The spectators would sit there on the beach side and watch these cars as they raced literally on the beach.

Bill, Jr., spent his young life around the racetrack and worked toward the legacy his father had begun to build. He worked on cars, helped out during races, and beginning in 1956, he worked every day of the week for more than a year on the construction of the Daytona International Speedway.

In 1972, Bill, Jr., took the reins of the racing organization that his father had helped to found in 1948 and took the risks and made the decisions that took NASCAR to a whole new level.

The International Motorsports Hall of Fame describes it this way:

> Other than the founding of NASCAR itself, Bill, Jr.'s appointment to leadership is probably the most significant event in the history of the sanctioning body. As rule-maker, promoter, ambassador and salesman, France has set the standard by which all other forms of motor sports are measured. He has taken it from a regional sport to a national sport, and nurtured its growing popularity on television, culminating in a record-setting $2.4 billion broadcast contract.

He served for a quarter century leading NASCAR to unbelievable heights and set the stage for what it has become today.

I know I speak for hundreds of thousands of fans, the drivers, the pit crews and anyone and everyone who enjoys NASCAR, as well as Floridians and Daytona Beach residents, when I say a well deserved ''thank you'' to Bill France, Jr., for making our weekends a lot more exciting, more enjoyable, and a lot faster. Florida thanks you for your vision, Bill. We will miss you, but you leave behind a legacy we will never forget.

REMEMBERING SENATOR CRAIG THOMAS

Mr. THUNE. Mr. President, today I rise to honor Senator Craig Thomas, who, very sadly, passed away Monday evening. As all of us in the Senate know, Craig was a respected Member of this body. A number of my colleagues have made very kind remarks on the floor about their relationship with

Craig. While I have not served as long in the Senate as have many of my colleagues who knew and worked with Craig over the years, I did have an opportunity to get to know him since being elected to the Senate in 2004.

I think one of the most important things we have all witnessed with Craig's passing is the outpouring of support and stories about the people he impacted in the Senate, in Wyoming, and across the country.

Without question, the Senate is a lesser place today without Craig's presence. One of the clearest indications of any politician's popularity is his or her support back home. Craig's leadership as the senior member of the Wyoming delegation was overwhelming—primarily due to the confidence he earned from his constituents back in Wyoming. That confidence was something he fought to keep since first being elected to Congress back in 1989.

Craig's battle with leukemia was very indicative of the way he led his life and how he worked on behalf of his State and our Nation. I also believe if his diagnosis hadn't been made public following his reelection last November, I doubt anybody would have known of the battle he waged as he underwent his chemotherapy treatments.

Craig did timeless work on behalf of the citizens of Wyoming and our Nation. His absence from the Senate will be greatly felt. Kimberley and I are deeply saddened by Craig's passing and extend our prayers to Susan and her family. Craig's hard work over the years on behalf of Wyoming and our Nation is a testament to his character and gives all of us something to strive for.

Craig Thomas was a man of the people. He was a Wyoming original. He represented the very heart and soul of the people of his State and of our Nation. He personified hard work and integrity. He was a ''what you see is what you get'' kind of a guy. Wyoming and America are a better place because of his service.

Mr. FEINGOLD. Mr. President, I join the many Senators who have paid tribute to our colleague Craig Thomas. Many of my colleagues have come to the floor since Senator Thomas's passing, and it is clear how many friends he had in this Chamber and how well everyone thought of him and the work he did.

We all knew him as a hard-working Member of the Senate who quickly earned his colleagues' respect. That respect was grounded in the way Craig Thomas served his country throughout his life. He spent 4 years in the U.S. Marine Corps and served in the Wyoming State Legislature, the U.S. House of Representatives, and since 1995, the U.S. Senate.

During his years in the Senate, Senator Thomas served Wyoming with great dedication. Raised on a ranch, Senator Thomas understood the concerns of rural Americans, and I appreciated his efforts in the Senate to stand up for the people who keep our rural communities strong. That is an important concern in my State, and I know it is in Wyoming as well.

I was very pleased to work with him to improve competition and fair treatment for farmers and ranchers. I know that he was committed to giving farmers and ranchers a fair shake in the marketplace, and his constituents appreciated that dedication.

Senator Thomas also worked on a range of health care issues important to rural Americans. He well understood the challenges that people in rural areas face as they seek access to health care services and helped to address those concerns. The Senate benefited from his leadership as cochair of the Senate's Rural Health Caucus, where he showed tremendous commitment to these issues. He led the push to maintain full funding for several rural health discretionary programs, and I am grateful for his efforts. That was just one of the many ways he contributed to the work of the Senate and served the people of Wyoming.

As we remember Senator Thomas, we can all be grateful for the life he led and his outstanding service to the Senate and to our country. To his wife, his family, his staff, and his many friends, I offer my condolences and my deepest sympathies.

Ms. STABENOW. Mr. President, I rise to join others in paying tribute to a wonderful colleague, Senator Craig Thomas. Tragically, last night, he lost his battle with leukemia. I want to send my heartfelt condolences to his wife Susan, his children, Patrick, Greg, Peter, and Lexie, and to his staff.

Since January, I had the pleasure to serve with Senator Thomas on the Finance Committee. I found him to be a hard-working Senator and very concerned about his constituents' struggling to get health care in rural areas.

I also had a chance to work with him last year on the Michigan Lighthouse and Maritime Heritage Act. This legislation sets up a process whereby the National Park Service would work with the State of Michigan to create a lighthouse tourist trail.

As my colleagues know, he was chairman of the National Parks Subcommittee, which had jurisdiction over this legislation. During consideration of this bill, he was helpful to me and the people of Michigan even though these lighthouses are thousands of miles away from his home. He held a hearing on this legislation, worked with me to get it to the floor and ultimately to the President's desk.

On behalf of the people of Michigan, we appreciate his support of this legislation.

Senator Thomas was a wonderful man—kind and decent to everyone. We will all miss him.

Mr. COLEMAN. Mr. President, with a combination of great sadness and admiration, I join my colleagues in honoring the life of Craig Thomas, a person of strength, passion, and integrity.

Those who have had the blessing of traveling to the State of Wyoming appreciate its amazing beauty and variety. Craig Thomas reflected the geography of his State. He could be as peaceful and serene as Wyoming's rolling prairie grass lands, and he could be as striking and powerful as its majestic mountains.

Growing up, he learned the creative dynamic of frontier life: rugged individualism joined with an ethic of neighbor-helping-neighbor when the need was great.

In this sometimes stuffy and frustrating Washington world, he was a fresh breeze of unconventionality. He maintained his Wyoming vision of life throughout many years in this city, and the people of Wyoming deeply appreciated his strong immunity to the political disease called Potomac Fever.

Craig Thomas lived a very meaningful life and made the State and country he loved a better place to live in. From his young days as a marine to his last days as a Senator, his heart was service and he put everything he had into making a difference for generations to come.

Because of his service here, our national parks are a legacy that will be passed to future generations in better shape than he found them. Because of his fiscal conservatism, fewer dollars of debt will be passed on to our children. Because of his vision and integrity, a model of public service will be available to those who come after.

Laurie and I send our prayers to the Thomas family. We thank them and the people of Wyoming for sharing Senator Thomas with the Nation.

Every one of us on this floor can learn a lesson from his life and remember Craig Thomas by living the values and commitments he taught us.

Mr. ROCKEFELLER. Mr. President, when Craig Thomas passed away on Monday evening, the U.S. Senate lost more than a Member; our institution has lost a good man and I a good friend—someone who was proud to be called an American cowboy. Sharon and I extend our deepest sympathy to his wife Susan, his family, his friends, his staff, and the people of Wyoming whom he served with such complete dedication.

Over the last few years, I worked closely with Senator Thomas. I came to know him well and came to respect him enormously. We both represented small, rural States with critical constituencies—his most emblematic being the farmer, mine the miner. We both maintained a deep commitment to our home States. Perhaps most importantly, we both had a history of public service.

Throughout our careers, I would say that we had a very good partnership. We served together on the Senate Finance Committee and fought to make this country more independent of foreign energy, to promote the development of clean coal technologies, and to preserve the rural American lifestyle.

Through it all, I greatly liked and admired Senator Thomas and appreciated him for the fine human being he was. He was a man of strong principle, one who knew the bottom line and didn't hesitate to consult his colleagues on the other side of the aisle. What I will remember most about him, however, wasn't his ability to work with his so-called foes or our tough fights in the Senate, but for his deep affinity for the beauty of this country.

In fact, over the years, when I have traveled to Wyoming and looked up at that towering, earthly skyline of the Grand Tetons, I have often thought of Craig.

Craig, after all, was perhaps one of the people who shared my deep love of the Grand Tetons. It was in those mountains and the Gros Ventre that we found a common bond. Together, we exchanged our marvels about the alpine lakes, the cutting glaciers, wind-swept glaciers and sparkling rivers.

I will never forget his advice on enjoying the beauty of Jackson Hole or his stories about long horseback rides or camping in the cool shadows of the mountains. I will never forget his interest in the wildlife and his appreciation for the foliage. Nor will I forget how passionately he protected the autonomy of the park, and how much he cherished the culture and beauty of his home.

Senator Craig Thomas held my deepest respect; and, to his family and the people of Wyoming, I offer my deepest sympathies. He was a valuable public servant, a true fighter and a friend—and, more than anything, a true American.

Mr. SHELBY. Mr. President, I rise today to pay tribute to our colleague, our friend, and a great statesman, Senator Craig Thomas.

It is a somber day in the Senate Chamber as we mourn this loss.

His passing leaves a significant mark on the many lives he touched throughout his life. On behalf of myself and my wife Annette, I send my deepest sympathies to his wife Susan, his four children, and the entire Thomas family.

Craig was an influential force in the Senate for the people of Wyoming, as well as a thoughtful leader on national issues.

Craig served the people of Wyoming with distinction and honor.

His roots in the State ran deep, and Wyoming had no greater advocate. He has built his reputation as a fiscal conservative while focusing on the unique issues affecting the American west.

He was honest, humble, good natured, and loyal. It was these characteristics that he brought to the Senate and to his work. He was an effective leader because he believed you could get a lot accomplished when you did not care who took the credit.

Craig was committed to the values and principles he believed in deeply. He loved his State, and it showed. He was committed to protecting our Nation's natural resources, improving the lives of those in rural America, and a leader in advocating a sound national energy policy.

It was my true privilege to have served with Craig over the past 13 years in the Senate. While we continue to mourn his passing, we should try to carry on with the same determination and energy he brought every day to the challenges he faced.

He will be remembered as a dedicated American, a marine, a public servant, and the quintessential American cowboy who gave so much of his life in service to the Nation.

I offer my thoughts and prayers to those close to Craig in this difficult time, especially to his family.

ENERGY INDEPENDENCE

Ms. KLOBUCHAR. Mr. President, today I come to the floor to discuss some of the changes that need to be made to our national energy policy. The simple truth is, our country is headed down the wrong energy path. Our current path has led to record-high electricity and gas prices. These prices are not only hurting ordinary families, they are also hurting businesses who are seeing their costs go up dramatically. The growth of energy-intensive industries such as manufacturing is actually being stunted due to skyrocketing electricity costs. We already know the negative global impacts our current energy path is having on our environment. It is clear we can't continue down this energy path anymore. It is not good policy. It is not good economic policy, and it is not good environmental policy.

Mr. President, I will be introducing a bill that will lead the Nation down a path to a better, cleaner, more independent energy economy, a path that takes us away from higher electric bills and leads to new opportunities for investment and innovation, more jobs, and more economic development. As the chart beside me illustrates, 52 percent of our electricity is currently generated from coal; 15 percent is from natural gas; 3 percent from petroleum; 20 percent from nuclear; 7 percent from hydro; and 3 percent from renewable energy. Clearly, this is not a diversified energy portfolio. Clearly, something needs to be done about rising energy costs.

It is estimated that Americans will spend over $200 billion more on energy this year than last year. That is an increase of nearly 25 percent. The bill will allow us to meet our future electricity needs. It will allow us to diversify our electricity supply. It will allow us to reduce the vulnerability of our energy system, and it will allow us to stabilize electricity prices, protect the environment, and most of all, stimulate the economies of rural America.

It is time to act. It is time to pass an aggressive renewable electricity standard, one requiring that all electricity providers would have to generate or purchase 25 percent of their electricity from renewable sources by the year 2025. Twenty-two States throughout the country have already demonstrated the value of establishing renewable electricity standards.

This chart shows what is going on around the country. I am looking at Rhode Island, to try one State, a 16-percent standard by 2019. You see California, 20 percent by 2010. You see Washington, 15 percent by 2020. All over the country, we see a change afoot. The checkered States are ones that have voluntary goals, such as Illinois. The striped States have standard goals, and the green States actually have standards put into law.

While the States are already heading down the path toward the new ''green economy,'' the Federal Government has not even made it to the trail head. The Federal Government is stuck in the fossil age.

I am proud to say my State of Minnesota is further down the path than any other State. In February, the Democratic Minnesota State legislature passed and our Republican Governor signed into law what is considered the Nation's most aggressive standard for promoting renewable energy in electricity production. It is a ''25-by-25'' standard. By the year 2025, the State's energy companies are required to generate 25 percent of their electricity from renewable sources such as wind, water, solar, and biomass. The standard is even higher for the State's largest utility, Excel Energy, which must reach 30 percent by 2020. The CEO has been in my office and said it is going to be tough but they are going to make it, and they are going to be able to meet this goal without raising rates.

I admire what the States and communities and businesses are doing across the country. I admire them for their inspiration, and I admire them for their initiative. There is a famous phrase: the ''laboratories of democracy.'' That is how Supreme Court Justice Louis Brandeis described the special role of States in our Federal system.

In this model, States are where new ideas emerge, where policymakers can experiment, where innovative proposals can be tested.

Brandeis wrote over 70 years ago:

> It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.

But he did not mean for this to serve as an excuse for inaction by the Federal Government. Good ideas and successful innovations are supposed to emerge from the laboratory and serve as a model for national policy and action. That is now our responsibility in Congress.

The courage we are seeing in the States, as they deal with global warming, climate change, should be matched by courage in Washington, DC. We

should be prepared to act on a national level, especially when the States and local communities are showing us the way.

Now there is an opportunity for the Federal Government to act. It is time for the Federal Government to begin moving toward an aggressive national standard—on par with Minnesota's 25-by-25 standard.

There are many economic benefits of this aggressive standard. Yet, perhaps most importantly, an aggressive national standard opens the door to a new electricity industry that will bring thousands of jobs and pump billions of dollars into our economy.

Over the last 20 years, America's renewable energy industries—and the wind industry in particular—have achieved significant technological advancements. The industries for solar, wind, and biomass energy systems are expanding at rates exceeding 30 percent annually.

The clean water revolution is still in its infancy. I think of it like the beginnings of the computer revolution when the computer used to take up an entire room. Now they are much cheaper, and they are much more efficient. That is what is happening with our green technology. But it will not happen unless we get into the act and set the standards as they should be.

Businesses are coming on board. CEOs of major corporations such as DuPont, Duke Energy, and General Electric see the opportunities. High-tech entrepreneurs in our country want to develop the green technologies before they do it in India and Japan. It is already starting.

Nationally, venture capital investments in ''green'' or ''clean'' technologies have increased dramatically. Last year, venture capital investment in green technologies reached an impressive $2.9 billion. From 2001 to 2006, there was a 243 percent increase in green technology venture capital investments.

Not only is clean technology the fastest growing venture capital sector, it is now the third largest category—behind only biotech and computer software.

The economic benefits are not just limited to high-risk investors. In September of 2004, the Union of Concerned Scientists used the Energy Information Administration's National Energy Modeling System to examine the costs and benefits of an aggressive national standard. Their analysis found an aggressive national standard would reduce electric and natural gas prices and provide significant economic benefits for all of America.

For example, as you can see from this chart, an aggressive national standard would create 355,000 new jobs—nearly twice as many as generating electricity from fossil fuels.

We would see economic development, such as $72.6 billion in new capital investment; $16.2 billion in income to farmers, ranchers, and rural landowners; $5 billion in new local tax revenue. We would see consumer savings. We would see $49 billion in lower electricity and natural gas bills. We would have a healthier environment. We would see reductions in global warming, pollution equal to taking nearly 71 million cars off the road. We would see less air pollution, less damage to land, and better water use.

So while traditional manufacturing jobs continue to move away from the United States, the country now has an opportunity to become a global hub of new, high-quality jobs in manufacturing and other high-skill areas, while generating environmental benefits at the same time.

So the future looks bright. Never before have we seen such strong interest and growth in renewable energy and energy-efficiency technologies. But the question we face is this: Does the United States want to be a leader in creating the new green technologies and the new green industries of the future? Or are we going to sit back and watch the opportunities pass us by?

In this country, we have the fields to grow the energy that will keep this Nation moving. And we have the wind energy to propel our economy forward. Right here in the United States, we have the science, we have the universities, we have the technological know-how, and we have the financial capital to harness our own homegrown energy.

It is time to act. The only thing holding us back is complacency. A national renewable energy standard will be a major contributor in driving innovation in green technologies.

Now, I know there are critics of a national standard. These critics—who I believe are stuck in the fossil age—believe an aggressive standard would negatively affect the reliability of an energy system. Yet, these critics seem to forget that numerous countries in Europe, including Spain, Germany, and Denmark—where wind power supplies over 30 percent of their electricity—have seen no adverse impacts on the reliability of their systems.

In fact, a renewable electricity standard can actually increase the overall reliability of an electric system. It can diversify our electricity sources so we are not so reliant on energy sources such as natural gas that are vulnerable to periodic shortages or other supply interruptions.

Not only is a national standard more reliable and good for the economy, it will also, of course, protect the environment and public health. Electricity production has a significant impact on our environment. Today, electricity accounts for more than 26 percent of smog-producing emissions, one-third of toxic mercury emissions, and some 40 percent of climate-changing greenhouse gases.

An aggressive standard will reduce CO_2 emissions by 434 million metric tons per year by 2020—reductions of 15 percent below current levels. This, as I said, is equivalent to taking nearly 71 million cars off the road.

A couple of weeks ago, Minnesota's own Tom Friedman had a cover story in the New York Times magazine about ''The Power of Green.'' It should be required reading for anyone who cares not only about the future of our environment but also our economic future and our future national security. He talked about the need in this area for setting the standards. When you set the standards, and people can see off into the future, we will see the investment. People say: Well, why do you have a standard set at 2025? Obviously, our bill is going to have a standard growing each year. But the reason you want to go out to 2025 is you want American businesses and capitalists and people involved in this to understand if they invest, where they are going.

In his article, Tom Friedman asks: ''How do our kids compete in a flatter world? How do they thrive in a warmer world? How do they survive in a more dangerous world?''

The answer is in making the most of the economic and technological opportunities to reduce our dependence on fossil fuels and the greenhouse gas pollution that comes from it.

Friedman says clean energy technology is going to be ''the next great global industry.'' Well, if that is the case—and I believe he is right—then we need to make America the leader. We cannot afford to sit back and watch the opportunities pass us by.

As I mentioned before, we are seeing unprecedented interest and growth in renewable energy technologies. But at the same time, we are no longer the world leader in two important clean energy fields. We rank third in wind power production, behind Denmark and Spain. We are third in solar power installed, behind Germany and Japan.

Ironically, these countries surpassed us largely by adopting technologies that had first been developed right here in the United States. We came up with the right ideas, but we did not capitalize on these innovations with adequate policies to spur deployment. Our foreign competition was able to leapfrog over American businesses because these other countries have government-driven investment incentives, aggressive renewable energy targets, and other bold national policies.

Friedman proposes a ''Green New Deal''—''one in which government's role is not funding projects, as in the original New Deal, but seeding basic research, providing loan guarantees where needed, and setting standards, taxes and incentives that will spawn'' all kinds of new technologies.

I agree. It is about leading the new economy. It is about making America the global environmental leader, instead of a laggard. It is about creating a better economy for the next generation by inventing a whole new industry, which will not only give us the clean power industrial assets to preserve our American dream but also give us the technologies that billions of

others need to realize our own dreams without destroying the planet.

It is about not being complacent. It is about getting on a new energy path. I believe an aggressive renewable electricity standard leads us down that path.

I urge all of my colleagues to support an aggressive standard. I suggest Minnesota's standard: 25 percent by 2025 for renewable electricity. It is a start down the path.

TRIBUTE TO FORMER CONGRESSMAN PARREN J. MITCHELL

Mr. KERRY. Mr. President, today I rise to pay tribute to a fallen pillar of the movement to extend equal opportunity to thousands of African-American and minority businesses throughout our Nation: Congressman Parren J. Mitchell.

With the passing of former Congressman Mitchell on May 28, 2007, our country has lost one of its legendary advocates for minority business owners, a giant who knew that the struggle for civil rights and equal opportunity would be decided in America's board rooms as well as its voting booths and lunch counters.

Congressman Mitchell fought with heart, grit, integrity, and determination to level the playing field so more minority firms could do business with the Federal Government. He didn't just serve as chairman of the House Small Business Committee, he served as Congress's conscience. He also was founder and chairman of the Minority Business Enterprise Legal Defense and Education Fund.

Congressman Mitchell's life was an incredible story of courage and resolve. He became the first African-American graduate student at the University of Maryland when he challenged the university's policy of segregation. He was the first African American elected to Congress from the State of Maryland. He was the first African American elected to Congress who lived below the Mason-Dixon line since 1898. And he was the first African American to chair the House Small Business Committee.

Congressman Mitchell's work on that committee has left a legacy that is as long and impressive as his commitment to equal opportunity for all of our nation's citizens. Many of his policies made it possible for the rise of the minority business community. In 1976, he attached an amendment to a public works bill stipulating that cities and States receiving Federal grants had to award 10 percent of the money to minority-owned businesses. That year he also managed to pass a law requiring contractors to document their goals in contracting with minority-owned companies. In 1980, he was able to successfully amend the Surface Transportation Assistance Act to require 10 percent of the money to be set aside for minority businesses.

On May 22, 2007, in the Senate Committee on Small Business and Entrepreneurship we held a hearing to look at the state of minority small businesses. And while the witnesses at the hearing revealed that there have been many gains for minority businesses, they also revealed that there is still more that needs to be done. I believe that the accomplishments of those who testified at the hearing would have made Congressman Mitchell proud. I also believe that the testimony about discriminatory practices that still confront minority businesses would have confirmed for him as it did for me that there are still more hills to climb.

The challenge now is to climb those hills by creating opportunities for minority businesses that will do justice to the memory of Congressman Mitchell. As we move forward in the Senate Committee on Small Business and Entrepreneurship, the best way to do that is to pass laws that expand opportunities for all Americans who have been shut out or left behind.

VOTE EXPLANATIONS

Mr. BROWNBACK. Mr. President, I regret that on May 24 I was unable to vote on the motion to concur in House amendment to Senate amendment to H.R. 2206, the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007. Regarding vote No. 181, I would have voted in favor of the motion to concur in House amendment to Senate amendment to H.R. 2206. My vote would not have altered the result of this motion.

Mr. President, I also regret that on May 24 I was unable to vote on certain provisions of S. 1348, the Comprehensive Immigration Reform Act of 2007. I wish to address these votes so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 176, on amendment No. 1186, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 177, on amendment No. 1158, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 178, on amendment No. 1181, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 179, on amendment No. 1223, I would have voted in favor of this amendment. My vote would not have altered the final result of this vote.

Regarding vote No. 180, on amendment No. 1157, I would not have voted in favor of this amendment. My vote would not have altered the final result of this vote.

HONORING OUR ARMED FORCES

FIRST LIEUTENANT KEITH NEAL HEIDTMAN

Mr. DODD. Mr. President, every Memorial Day, words fight a losing battle against action. Each year, as spring warms into summer, we pause our lives and bow our heads in safety, and grope for words to honor the men and women who have made that safety possible. Inevitably, we fail; we say ''fallen'' when we mean ''killed''; we say ''sacrifice'' for those who died unwillingly, in great pain. I believe we do so because we want to find a register for our voice to match the heroism of their work, but, also, because high words shield us from the immediacy of death in war. Even as we remember, we can't help looking away.

But some lack that luxury. They are in Iraq and Afghanistan, and they are living the war we speak about. For 10 American soldiers in Iraq, Memorial Day was their last day.

Last week, the Senate was out of session in commemoration of Memorial Day, but now that we have returned, I want to honor the memory of one of those 10 soldiers: Army 1LT. Keith Neil Heidtman. He was a native of Norwich and a graduate of the University of Connecticut. He was 24 years old. On Monday, May 28, the helicopter he was copiloting crashed, likely brought down by enemy fire. Early the next morning, an Army chaplain brought the news to Lieutenant Heidtman's family.

For Maureen and Arthur Robidoux, his mother and stepfather, for Kerry Heidtman, his father, for Chris Heidtman, his uncle, and for Keely Heidtman, his older sister, memories will never fill the place of the live they loved. ''If you had to pick your son, this is who you would pick,'' said Chris Heidtman. ''He was handsome, he was bright''. A star baseball player and a distinguished ROTC cadet, Lieutenant Heidtman volunteered for pilot training upon his graduation in 2005.

He learned the value of service from his parents, both public servants themselves: his mother at the State Department of Children and Families, and his father in a State child-support program. His death reminds us that the highest service carries the highest cost. ''We're sending our finest, and we're losing them,'' said Lieutenant Heidtman's uncle.

So today we honor one of our finest, who wore our uniform and died long before his time. Next Memorial Day, his name will join the rolls of our dead. I pray that by then time will have soaked up his family's tears. Next spring, we will bow our heads and look for words to do him justice. I don't believe those words exist. His best memorial will be in our silence.

WAR CRIMES TRIAL

Mr. FEINGOLD. Mr. President, earlier this week in a special chamber of the Special Court for Sierra Leone, based in The Hague, proceedings began in the trial of former Liberian President Charles Taylor, who is accused of crimes against humanity, war crimes, and serious violations of international

law committed during Sierra Leone's 11-year civil war. Tens of thousands died in this conflict that ended in 2002, and more than a third of Sierra Leone's 6 million people were forced to flee. His trial is expect to have significant impact across Sierra Leone but also throughout neighboring countries as his raging brutality was in no way confined by national borders.

For over a decade, the people of Sierra Leone and Liberia not only suffered from deprivation and displacement at the hands of Charles Taylor, but they also endured forced recruitment of child soldiers, widespread and brutal sexual violence, and horrifying murders and mutilations. Those responsible for these crimes abandoned all human decency in their quest for power and wealth.

I have long been a strong supporter of accountability mechanisms around the world—and in particular Sierra Leone's Special Court and Truth and Reconciliation Commission. I have worked to ensure that the United States provides appropriate financial and political support for such important institutions, which are crucial to building a framework for the rule of law in postconflict countries. I commend the court for taking its mandate seriously and for following the evidence where it led—directly to a sitting head of state.

Despite Charles Taylor's unwillingness to appear at the opening of yesterday's trial, the message this critical trial sends—to current and would-be corrupt, violent, and brutal leaders—is momentous: the international community will no longer stand silently by but will support efforts to break the worst cycles of violence and impunity. When the trial continues later this month in The Hague, it is essential that international fair trial standards are adhered to, that robust and transparent outreach programs continue uninterrupted so the trial remains as accessible as possible to those most affected by the conflict and that great care is taken to ensure the security of victims, witnesses, and their families.

While I welcome the proceedings in The Hague, more needs to be done on behalf of the people of Sierra Leone and Liberia. True accountability for the horrific atrocities they endured will only be achieved when the rule of law is respected at every level in the governments of both countries and all citizens have access to justice. Great steps forward have been taken, but much more work remains. I will continue to press the United States and the international community not to desert the people of Sierra Leone—or the region—as they work to reconcile their grievances and seek to heal from one of Africa's worst conflicts.

CONQUER CHILDHOOD CANCER ACT

Mr. WYDEN. Mr. President, I would like to take a few moments to talk about 8-year-old Jenessa Byers, known as ''Boey'' by her friends and family.

Last year, Boey was diagnosed with a very rare childhood cancer called rhabdomyosarcoma. Showing tremendous courage and strength as she underwent radiation and chemotherapy, Boey battled the cancer into remission. Unfortunately, that cancer returned and Boey is back in treatment undergoing radiation and chemotherapy once again.

While I was in Oregon over the recess, I had a chance to visit with Boey and her family at the Children's Cancer Center at Doernbecher Children's Hospital, as well as with other children at the hospital who are battling a variety of childhood cancers. Boey refers to herself as a warrior in the fight against cancer, and there is no doubt about it, Boey is a warrior. As I witnessed firsthand when I visited her last week, she is fighting the cancer as hard as she can. This in itself makes Boey a very brave and very special little girl.

But what makes her especially amazing is that in spite of what she is going through, Boey has been working tirelessly to help other children who are also battling cancer. Each month, she donates special bears and handmade cards titled ''Be Strong'' to other children at the hospital. The day before her eighth birthday last month, Boey participated as a survivor in the American Cancer Society's Relay for Life, for which she raised over $500. In addition, she has raised money to help fight cancer on a local radiothon, and she has raised awareness using her own videos, which she has posted on YouTube.

Because of Boey's incredible compassion and determination to help the other children fighting cancer, she was recently asked to be a spokesperson for Doernbecher Children's Hospital. On May 31, she spoke about her experiences at a reception for the Children's Miracle Network. Just this past weekend, she was featured in a segment of the Doernbecher Children's Miracle Network Telethon.

While I was visiting Boey, she asked me to cosponsor the Conquer Childhood Cancer Act. Introduced by Senators REED and COLEMAN, this act would provide critical resources for the treatment, prevention, and cure of childhood cancer. The act would authorize $150 million over a 5-year period to expand support for biomedical research programs of the existing National Cancer Institute-designated multicenter national infrastructure for pediatric cancer research. It would also establish a population-based national childhood cancer registry; enable researchers to more accurately study the incidence of childhood cancers and long-term effects of treatments; and provide funding for informational and educational services to families coping with a diagnosis of childhood cancer. The Conquer Childhood Cancer Act brings hope to the more than 12,500 children who are diagnosed with cancer each year, as well as more than 40,000 children and adolescents currently being treated for childhood cancers.

On behalf of Boey and the other courageous and wonderful children I met at Doernbecher Children's Hospital recently, and every child with cancer, I would like to announce that I am cosponsoring the Conquer Childhood Cancer Act. I will be working with my colleagues to get this bill signed into law so that we can find a cure for childhood cancer once and for all.

D-DAY ANNIVERSARY

Mr. BIDEN. Mr. President, I would like to take a moment to recognize the great sacrifices made by our Nation's veterans on the anniversary of D–day and to once again highlight the need for all of us to do more for those serving today.

On this day 63 years ago, 3,393 American troops gave their lives on the beaches of Normandy defending the freedom of America and its allies. These brave young men sacrificed themselves to stop an empire born of hatred from consuming Europe and fought to prove that freedom and justice would never bow to terror and intolerance. Their valor and service will forever endure in our Nation's memory.

Today, a new generation faces new challenges. The nearly 170,000 American troops currently serving in Iraq and Afghanistan exemplify the kind of courage and dedication that has defined the American military throughout our history. And for the sacrifices they are willing to make, we in the Senate, our colleagues in the House, the military leadership, the President, and the American people have an absolute moral obligation to provide our servicemen and women with the best possible protection when we send them to war.

I know that when President Roosevelt sent his men into battle, he did not simply pay lipservice to their courage, he made sure that they had the strongest artillery, the best gear, and the most advanced equipment available. He did not worry that the landing craft he needed for D–day would not be needed when the war ended. He made equipping the force the entire Nation's top priority. Calling on the patriotism of American businessmen to ensure military needs were met before all else. And so I ask why—a half century later—we cannot do the same for our troops today.

Today, improvised explosive devices, IEDs, are the single greatest threat to the lives of our troops, causing 70 percent of U.S. casualties in Iraq. The military has indicated that mine resistant ambush protected, MRAP, vehicles, which provide four to five times more protection than up-armored Humvees, will reduce casualties from IEDs by two-thirds. These vehicles have already been tested fully at Aberdeen Proving Center and our allies have been using similar technologies in the field for years.

So why, then, are these critical vehicles not already in the field?

We learned recently that in February of 2005, Marine commanders in Iraq realized that they needed vehicles designed specifically to defeat the IED threat and asked the Pentagon to build them. Yet 2 years later their request remains unfulfilled. Secretary Gates has indicated that MRAPs compete with other defense spending, which may make it difficult to produce all we need. I just don't get that logic. I can see no greater use of our dollars than getting American troops the best possible protection that exists today. This Nation can afford to do that and whatever else is necessary to do right by our military men and women and their families.

At a later date we will get to the bottom of what happened in 2005, but our first order of business today should be making sure that we get our troops the technology they need as soon as possible. That will require a genuine assessment of how many MRAPs are needed in the field and how much it will cost to build that critically needed inventory.

We also need to provide our troops with all the latest in tested technology to defend against the new weapons which insurgents are using in Iraq: shaped charges called EFPs, or explosively formed penetrators/projectiles, those shaped-charges which hit our vehicles from the side with devastating effect. We cannot wait another 2 years to field technology to protect against these devices when Americans are dying today.

Today I ask of my colleagues, of the President, of our military commanders, and of the American people, that we pay respect to American servicemembers with more than words. We have the ability and the obligation to do more and we must.

Mr. MARTINEZ. Mr. President, 63 years ago today, many brave Americans and other allied forces members were dropped out over the frigid North Atlantic coastline of Normandy; numerous others stormed the beaches from the sea. Ultimately, well over 100,000 determined Allied troops were involved in one of the most remarkable and well orchestrated military events in history. D–day was among the greatest victories of World War II. June 6, 1944 is a day all lovers of freedom should hold on high. We cannot ever forget the sacrifice and meaning of that day.

Were it not for the supreme leadership—both here and abroad—of President Franklin D. Roosevelt, Prime Minister Winston Churchill, General Dwight D. Eisenhower, and many other government and military leaders—and a patriotic citizenry—we might be living in a starkly different world today. D–day does not just signify singular success; it symbolizes the power of our fearless democracy and way of life. This triumph—not only on D–day, but in the war effort at large—helped to further a clear message made by an earlier American President, one who was considering the weight of World War I. As Woodrow Wilson remarked a generation earlier, ''The world must be made safe for democracy.'' The events of June 6, 1944, helped to make the world a safer place. Victory would not have come about without the smart and strong dedication of our military.

We must take it upon ourselves as Americans, and as grateful citizens, to continue to thank the brave patriots who served in what has become a legacy of freedom; we thank them for their service and their sacrifice. Every generation faces new challenges and must accept the consequences of inaction. We are better off for the actions of the Greatest Generation. Across the beaches of Omaha, Utah, Juno, Gold, and others, our brave Allied troops sacrificed mightily on June 6, 1944. That sacrifice lives on.

For all those veterans of D–day, and for that matter, any campaign of World War II, thank you. You helped to make the world safe for democracy. Your victorious struggle of more than 60 years ago makes this Nation proud and grateful. Thank you for your dedication and sacrifice.

LOS ALAMOS NATIONAL LABORATORY

Mr. DOMENICI. Mr. President, I wish to congratulate Los Alamos National Laboratory for its part in completing the 100th genome sequence. Like the Human Genome Project, this achievement serves as a constant reminder of the possibilities before us and a step forward in scientific knowledge. The scientists of Los Alamos National Lab constantly achieve excellence through their various endeavors, and I am proud of their contribution to this vast project. This well-deserved recognition highlights their continuing dedication to serving this country through research in health and environment-related fields.

Los Alamos National Laboratory has championed the advancement of national security for over 60 years. In the tumultuous times of World War II, it stood as our Nation's front line in acquiring a superior tool with which we could be certain that freedom would prevail. However, once its mission was complete it continued to pursue the advancement of American security and research. What began as an installation solely focused on the creation of an atomic bomb has developed into a diverse and advanced institution dedicated to securing our nuclear ordinance, combating the effectiveness of weapons of mass destruction, and addressing many problems in areas such as energy and health.

Los Alamos National Laboratory serves as one of five national laboratories working with the Department of Energy to sequence genomes. Labeled the Joint Genome Institute, this group of research institutions first helped to complete the Human Genome Project, which has since been called one of the greatest scientific advances of our time. The benefits of this outstanding achievement are many. For example, we can now match organ donors and recipients with less uncertainty and even diagnose disease more efficiently.

Over the years, the mission of the Genome Project has oriented itself towards other vital interests. The Joint Genome Institute is now targeting specific animals and microbes with traits that, if harnessed, could aid in areas such as biotechnology, alternative fuels, and the environment. For example, the organism just completed has shown potential in aiding the cleanup of uranium-contaminated areas. This application would greatly benefit Los Alamos itself, which has several radioactive wastesites.

In the past, I have strongly supported the research of Los Alamos National Laboratory and the advancement of the Genome Project and have helped each of them secure defense and biotechnology funding. In return, their research has yielded important advances in areas such as health, energy, and the environment. Furthermore, the continuing excellence of Los Alamos National Laboratory has led to the creation of many jobs in the northern New Mexico region. Los Alamos continues to succeed in its purpose of national service, and I am pleased to offer my support and congratulations for their contribution to the 100th mark in the Genome Project.

ADDITIONAL STATEMENTS

100th ANNIVERSARY OF HETTINGER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, today I wish to recognize a community in North Dakota that is celebrating its 100th anniversary. On July 3–8, the residents of Hettinger will gather to celebrate their community's history and founding.

Hettinger is a vibrant community in southwest North Dakota. Hettinger holds an important place in North Dakota's history. The townsite was founded in 1907, and Erastus A. Williams of Bismarck, whose son-in-law was Mathias Hettinger, was credited with naming the community. It became the county seat of Adams County in 1907. The post office was established in May 17, 1907, and Hettinger was organized into a city in 1916. One of the last living survivors of the Titanic, Ole Abelseth, was a longtime resident of Hettinger.

Today, Hettinger is a magnet for outdoor enthusiasts who come to enjoy bird watching, fishing, and big game hunting. Nearby Mirror Lake offers camping and other outdoor activities for all ages. In 2004, Hettinger was recognized as Hometown of the Year by the Bismarck Tribune and it received the North Dakota Capital Community Designation by the Federal Home Loan

Bank, which recognized Hettinger's vision and planning in sustaining and revitalizing the local economy.

The people of Hettinger are enthusiastic about their community and the quality of life it offers. Hettinger has a wonderful centennial celebration planned that includes dances, a steak fry, a lumberjack show, a parade, a horseshoe tournament, class reunions, and a whisker growing contest. The week long celebration will definitely be one to remember.

Mr. President, I ask the U.S. Senate to join me in congratulating Hettinger, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Hettinger and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Hettinger that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Hettinger has a proud past and a bright future.●

125TH ANNIVERSARY OF ELLENDALE, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 125th anniversary. From June 28 to July 1, the residents of Ellendale will gather to celebrate their community's history and founding.

Ellendale is a community of about 1,550 on the border between North and South Dakota. It was founded in 1881 in anticipation of the Milwaukee Road Railroad. It was the first white settlement in the county and, as the first stop on the railroad in the region, it became a great distributing point for settlers' supplies. It was named in honor of the wife of Milwaukee Road Rail Road official S. S. Merrill.

Today, Ellendale is the county seat of Dickey County. It is also home to an Opera House which, at one time, was the largest between Minneapolis and Seattle. The Organization of the People in Ellendale for the Restoration of the Arts hopes to reopen the Opera House, which is currently undergoing restoration, so that it can, once again, have live productions. In addition, the Cole Memorial Museum hosts numerous artifacts and memorabilia showcasing the Ellendale area.

For those who call Ellendale home, it is a comfortable place to live, work, and play. The people of Ellendale are enthusiastic about their community and the quality of life it offers. Nearby Pheasant Lake offers a wealth of recreational opportunities from fishing to boating to camping. The community has a wonderful quasquicentennial weekend planned that includes school reunions, a Walk of Fame inductee banquet, a golf tournament, and a Historical Pageant.

Mr. President, I ask the U.S. Senate to join me in congratulating Ellendale, ND, and its residents on their first 125 years and in wishing them well in the future. By honoring Ellendale and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Ellendale that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Ellendale has a proud past and a bright future.●

100TH ANNIVERSARY OF BOWMAN, NORTH DAKOTA

● Mr. CONRAD. Mr. President, I am pleased to recognize a community in North Dakota that will be celebrating its 100th anniversary. From June 29–July 4, the residents of Bowman will gather to celebrate their community's history and founding.

Bowman is a quaint town of about 1,500 people nestled in the southwest corner of North Dakota. It was founded in 1907 and is named after William Bowman, the territorial legislator, after whom the county is also named.

Today, Bowman is the county seat of Bowman County. It is also home to the Pioneer Trails Regional Museum, which preserves the rich history of the community and surrounding area. Bowman lies in an area of the state that has a number of fossils that are millions of years old. In fact, within the last few years, paleontologists uncovered the fossils of a tyrannosaurus rex. Bowman also plays host to the Bowman County Fair, an annual day fair with live music, games, and other events that adults and children can enjoy.

For those who call Bowman home, it is a comfortable place to live, work, and play. The people of Bowman are enthusiastic about their community and the quality of life it offers. Bowman won the City of the Year 2006 award from the North Dakota League of Cities. The community has a wonderful centennial weekend planned that includes school reunions, a golf tournament, local musical entertainment, and much more.

Mr. President, I ask the U.S. Senate to join me in congratulating Bowman, ND, and its residents on their first 100 years and in wishing them well through the next century. By honoring Bowman and all the other historic small towns of North Dakota, we keep the great pioneering frontier spirit alive for future generations. It is places such as Bowman that have helped to shape this country into what it is today, which is why this fine community is deserving of our recognition.

Bowman has a proud past and a bright future.●

HONORING THE F.A. PEABODY COMPANY

● Ms. SNOWE. Mr. President, today I recognize a tremendous small business from my home State of Maine that was recently designated as the 2007 Eastern Region Small Business of the Year by the United States Chamber of Commerce. Established in 1927 by Frank A. Peabody, the F.A. Peabody Company, based in Houlton, ME, has grown over the last 80 years to meet the insurance, investment, and real estate needs of Mainers. From the number of employees, to the number of locations, and even the services the company provides to the residents of northern Maine, F.A. Peabody's expansion has been a crowning achievement of small business in Aroostook County and, indeed, all of northern and eastern Maine. This award is a fitting recognition of F.A. Peabody's past accomplishments, and its continued superb work for Maine.

F.A. Peabody began as a property casualty insurance agency for Aroostook County, and grew to represent 20 insurance companies. As time progressed, the company expanded to meet other needs in the community, including investment management, real estate brokerage, and travel services. A truly diversified operation, F.A. Peabody has gone further in recent years by administering mortuary trusts and providing broadband internet to businesses and individuals from the counties of Maine's northern potato fields to its eastern shoreline. In light of a lack of broadband internet in Aroostook County earlier this decade, F.A. Peabody decided to take action and become a broadband internet service provider.

Collectively, F.A. Peabody employs over 70 people, and has a wellness program to award employees with bonuses and gifts. Chris and Bob Anderson, president and chief financial officer, respectively, of F.A. Peabody, carry on the company's commitment to Maine's positive, pro-growth small business community.

F.A. Peabody is truly a success story, and a bright example of what small businesses can accomplish with measured expansion and consistent determination. I congratulate F.A. Peabody on all of its accomplishments and, in particular, for garnering the attention of the U.S. Chamber of Commerce. This award is well-deserved, and I am confident that F.A. Peabody's strong, outstanding achievements will continue for years to come as a source of pride for all of Maine. I wish F.A. Peabody and its employees continued success.●

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 11:38 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1675. An act to suspend the requirement of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and

regarding filing of such certificates with respect to certain low-income housing investors.

H.R. 1676. An act to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

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–2132. A communication from the Assistant to the Board, Legal Division, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks'' (ID No. R–1271) received on June 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2133. A communication from the Chief Counsel, Bureau of Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulations Governing Securities Held in Treasury Direct'' (31 CFR Part 363) received on May 30, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–2134. A communication from the Secretary of Commerce, transmitting, the report of a draft bill intended to reauthorize the Coral Reef Conservation Act of 2000; to the Committee on Commerce, Science, and Transportation.

EC–2135. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Technical Revisions or Amendments to Update Clauses'' (RIN1991–AB62) received on May 30, 2007; to the Committee on Energy and Natural Resources.

EC–2136. 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; South Carolina: Revisions to State Implementation Plan; Clarification'' (FRL No. 8321–4) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2137. 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; Texas; Revision to the Texas State Implementation Plan Regarding a Negative Declaration for the Synthetic Organic Chemical Manufacturing Industry Batch Processing Source Category in El Paso County'' (FRL No. 8321–7) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2138. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Hampton Roads 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory'' (FRL No. 8320–9) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2139. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; Redesignation of the Richmond-Petersburg 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base-Year Inventory'' (FRL No. 8320–8) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2140. 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 Iowa'' (FRL No. 8320–3) received on May 31, 2007; to the Committee on Environment and Public Works.

EC–2141. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a flood damage reduction project that was authorized for Chesterfield, Missouri; to the Committee on Environment and Public Works.

EC–2142. 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 ''Aggregation of MECs Under Section 72(e)(11)'' (Rev. Rul. 2007–38) received on June 1, 2007; to the Committee on Finance.

EC–2143. 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 ''Certain Mid-Year Changes to a Section 401(k) Safe Harbor Plan'' (Announcement 2007–59) received on June 1, 2007; to the Committee on Finance.

EC–2144. 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 ''Substitute Mortality Tables'' (Rev. Proc. 2007–37) received on June 1, 2007; to the Committee on Finance.

EC–2145. 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 ''Qualified Conservation Contributions'' (Notice 2007–50) received on June 1, 2007; to the Committee on Finance.

EC–2146. 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 ''Treatment Under Section 367(b) of Property Used to Purchase Parent Stock from Parent Shareholders in Certain Triangular Reorganizations'' (Notice 2007–48) received on June 1, 2007; to the Committee on Finance.

EC–2147. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, an annual report relative to the Supplemental Security Income Program; to the Committee on Finance.

EC–2148. A communication from the White House Liaison, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a nomination for the position of Administrator, received on June 5, 2007; to the Committee on Finance.

EC–2149. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the manufacture of the AN/APS–137B(V)5 Radar for the Japanese Maritime Self-Defense Force; to the Committee on Foreign Relations.

EC–2150. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the Low Income Home Energy Assistance Program of fiscal year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–2151. A communication from the Assistant Secretary, Office of Management, Department of Education, transmitting, pursuant to law, an annual report relative to the Department's use of category rating; to the Committee on Health, Education, Labor, and Pensions.

EC–2152. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2153. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2154. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2155. A communication from the Chairman, Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period of October 1, 2006, through April 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2156. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''NARA Reproduction Fees'' (RIN3095–AB49) received on May 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2157. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel James C. McConville to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–2158. A communication from the Principal Deputy Under Secretary of Defense (Policy), transmitting, pursuant to law, the Defense Intelligence Agency's 2007 Annual Report relative to the threat posed to the United States by weapons of mass destruction, ballistic missiles and cruise missiles; to the Committee on Armed Services.

EC–2159. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2160. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, the management report relative to the Bank's system of internal controls employed during fiscal year

2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–2161. 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 ''Interim Rule to Temporarily Close the Bottomfish Fishery in the Main Hawaiian Islands to End Overfishing'' (RIN0648–AV49) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2162. 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 Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XA23) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2163. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments'' (RIN0648–XA16) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2164. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Decrease in the Commercial Trip Limit for Golden Tilefish in the South Atlantic'' (RIN0648–XA21) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2165. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Advanced Technology Program Notice of Availability of Funds and Announcement of Public Meetings'' (RIN0693–ZA74) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2166. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NIST Consortium/Consortia for Post-Complementary Metal Oxide Semiconductor Nanoelectronics Research Program; Availability of Funds'' (RIN0693–ZA75) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2167. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Precision Measurement Grants Program; Availability of Funds'' (RIN0693–ZA70) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2168. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''NIST Center for Neutron Research and Neutron Scattering, and Sample Environment Equipment Financial Assistance Programs; Availability of Funds'' (RIN0693–ZA73) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2169. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Summer Undergraduate Research Fellowships Gaithersburg and Boulder Programs; Availability of Funds'' (RIN0693–ZA71) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2170. A communication from the Deputy Director, National Institute of Standards and Technology, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Measurement, Science and Engineering Grants Programs; Availability of Funds'' (RIN0693–ZA72) received on June 5, 2007; to the Committee on Commerce, Science, and Transportation.

EC–2171. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for fiscal year 2006; to the Committee on Energy and Natural Resources.

EC–2172. A communication from the Regulatory Analyst, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Protection of Eagles; Definition of 'Disturb''' (RIN1018–AT94) received on June 4, 2007; to the Committee on Environment and Public Works.

EC–2173. A communication from the Commissioner, Social Security Administration, transmitting, a draft bill intended to make amendments to the Old-Age, Survivors, and Disability Insurance program and the Supplemental Security Income program; to the Committee on Finance.

EC–2174. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled ''Federal Employees Health Benefits Improvements Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2175. A communication from the Director, Office of Personnel Management, transmitting, a legislative proposal entitled ''Locality Pay Extension Act of 2007''; to the Committee on Homeland Security and Governmental Affairs.

EC–2176. A communication from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Extension of Import Restrictions Imposed on Archaeological and Ethnological Materials from Peru'' (RIN1505–AB79) received on June 4, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2177. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Office's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2178. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the Semiannual Report of the Administration's Inspector General for the period of October 1, 2006, through March 31, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–2179. A communication from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting, a legislative proposal intended to enhance the Department's ability to protect Americans from violent crime and terrorism; to the Committee on the Judiciary.

EC–2180. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary for Health, received on June 5, 2007; to the Committee on Veterans' Affairs.

EC–2181. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Operations, Preparedness, Security and Law Enforcement Functions, received on June 5, 2007; to the Committee on Veterans' Affairs.

EC–2182. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of a draft bill intended to authorize additional resources in the United States bankruptcy courts; to the Committee on the Judiciary.

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 Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. BROWN, Mr. KERRY, Mr. DODD, Mrs. MURRAY, Mr. FEINGOLD, and Mrs. BOXER):

S. 1553. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1554. A bill to comprehensively address challenges relating to energy independence, air pollution, and climate change facing the United States; to the Committee on Finance.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. CLINTON, Mrs. MURRAY, and Mrs. BOXER):

S. 1555. A bill to establish certain duties for pharmacies to ensure provision of Food and Drug Administration-approved contraception, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Ms. CANTWELL, Mr. LIEBERMAN, Mr. WYDEN, Mr. KERRY, Mr. AKAKA, Mrs. MURRAY, and Mr. DODD):

S. 1556. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage to designated plan beneficiaries of employees, and for other purposes; to the Committee on Finance.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Ms. COLLINS, Mr. MENENDEZ, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 1557. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COLEMAN:

S. 1558. A bill to amend title 14, United States Code, to strengthen requirements related to security breaches of data involving the disclosure of sensitive personal information; to the Committee on Homeland Security and Governmental Affairs.

By Mr. THUNE:

S. 1559. A bill to amend the Food, Agriculture, Conservation, and Trade Act of 1990 to reauthorize the provision of telemedicine and distance learning services in rural areas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DODD (for himself, Mr. DOMENICI, and Mr. KENNEDY):

S. 1560. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAPO (for himself and Mr. DORGAN):

S. Res. 221. A resolution supporting National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself and Mr. SMITH):

S. Res. 222. A resolution supporting the goals and ideals of Pancreatic Cancer Awareness Month; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INHOFE (for himself, Mr. KENNEDY, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. AKAKA, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. STEVENS, Mr. LIEBERMAN, and Mr. WYDEN):

S. Res. 223. A resolution recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies; considered and agreed to.

By Mr. DeMINT:

S. Con. Res. 35. A concurrent resolution declaring June 6 a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; to the Committee on Rules and Administration.

By Mr. CASEY (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. OBAMA):

S. Con. Res. 36. A concurrent resolution supporting the goals and ideals of National Teen Driver Safety Week; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 469

At the request of Mr. BAUCUS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 469, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 548

At the request of Mr. LEAHY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 626

At the request of Mr. KENNEDY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. HARKIN) 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. 771

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 773

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 961

At the request of Mr. NELSON of Nebraska, the name of the Senator from New York (Mrs. CLINTON) 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 name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor 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. 994

At the request of Mr. TESTER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1173

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1173, a bill to protect, consistent with Roe v. Wade, a woman's freedom to choose to bear a child or terminate a pregnancy, and for other purposes.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1175, a bill to end the use of child soldiers in hostilities around the world, and for other purposes.

S. 1224

At the request of Mr. ROCKEFELLER, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 1224, a bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1239, a bill to amend the Internal Revenue Code of 1986 to extend the new markets tax credit through 2013, and for other purposes.

S. 1254

At the request of Ms. MIKULSKI, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 1254, a bill to amend title II of the Social Security Act to provide that the reductions in social security

benefits which are required in the case of spouses and surviving spouses who are also receiving certain government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1340

At the request of Mrs. LINCOLN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1340, a bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care coordination services, and for other purposes.

S. 1382

At the request of Mr. REID, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 1382, a bill to amend the Public Health Service Act to provide the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1398

At the request of Mr. REID, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1398, a bill to expand the research and prevention activities of the National Institute of Diabetes and Digestive and Kidney Diseases, and the Centers for Disease Control and Prevention with respect to inflammatory bowel disease.

S. 1405

At the request of Mr. BROWNBACK, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1405, a bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes.

S. 1430

At the request of Mr. OBAMA, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1430, a bill to authorize State and local governments to direct divestiture from, and prevent investment in, companies with investments of $20,000,000 or more in Iran's energy sector, and for other purposes.

S. 1439

At the request of Mr. ROBERTS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1439, a bill to reauthorize the broadband loan and loan guarantee program under title VI of the Rural Electrification Act of 1936.

S. 1444

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 1444, a bill to provide for free mailing privileges for personal correspondence and parcels sent to members of the Armed Forces serving on active duty in Iraq or Afghanistan.

S. 1450

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1450, a bill to authorize appropriations for the Housing Assistance Council.

S. 1457

At the request of Mr. HARKIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from California (Mrs. BOXER) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1457, a bill to provide for the protection of mail delivery on certain postal routes, and for other purposes.

S. 1464

At the request of Mr. FEINGOLD, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1464, a bill to establish a Global Service Fellowship Program, and for other purposes.

S. 1494

At the request of Mr. DOMENICI, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1494, a bill to amend the Public Health Service Act to reauthorize the special diabetes programs for Type I diabetes and Indians under that Act.

S. 1529

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1529, a bill to amend the Food Stamp Act of 1977 to end benefit erosion, support working families with child care expenses, encourage retirement and education savings, and for other purposes.

S. 1542

At the request of Mr. HARKIN, his name was added as a cosponsor of S. 1542, a bill to establish State infrastructure banks for education, and for other purposes.

S. 1543

At the request of Mr. BINGAMAN, the names of the Senator from Nevada (Mr. REID), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alaska (Mr. STEVENS), the Senator from Colorado (Mr. SALAZAR), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. SNOWE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 1543, a bill to establish a national geothermal initiative to encourage increased production of energy from geothermal resources, and for other purposes.

S. CON. RES. 31

At the request of Mr. FEINGOLD, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. Con. Res. 31, a concurrent resolution expressing support for advancing vital United States interests through increased engagement in health programs that alleviate disease and reduce premature death in developing nations, especially through programs that combat high levels of infectious disease improve children's and women's health, decrease malnutrition, reduce unintended pregnancies, fight the spread of HIV/AIDS, encourage healthy behaviors, and strengthen health care capacity.

S. RES. 85

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 85, a resolution expressing the sense of the Senate regarding the creation of refugee populations in the Middle East, North Africa, and the Persian Gulf region as a result of human rights violations.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. Res. 203, a resolution calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

AMENDMENT NO. 1183

At the request of Mrs. CLINTON, the names of the Senator from Nevada (Mr. REID) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 1183 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1194

At the request of Mr. MENENDEZ, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1194 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1197

At the request of Mr. DEMINT, the names of the Senator from Georgia (Mr. CHAMBLISS), the Senator from Tennessee (Mr. CORKER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of amendment No. 1197 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1199

At the request of Mr. DODD, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of amendment No. 1199 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1202

At the request of Mr. OBAMA, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of amendment No. 1202 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1267

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 1267 proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1313

At the request of Mr. WEBB, the name of the Senator from North Dakota (Mr.

DORGAN) was added as a cosponsor of amendment No. 1313 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

AMENDMENT NO. 1314

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from California (Mrs. FEINSTEIN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 1314 intended to be proposed to S. 1348, a bill to provide for comprehensive immigration reform and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Ms. SNOWE, Mr. LEAHY, Mr. DURBIN, Mr. LAUTENBERG, Mrs. CLINTON, Mr. BROWN, Mr. KERRY, Mr. DODD, Mrs. MURRAY, Mr. FEINGOLD, and Mrs. BOXER):

S. 1553. A bill to provide additional assistance to combat HIV/AIDS among young people, and for other purposes; to the Committee on Foreign Relations.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator SNOWE to introduce legislation to strengthen our international HIV prevention efforts and empower the people on the ground who are fighting this disease to design the most effective and appropriate HIV prevention program.

The bill is cosponsored by Senator LEAHY, Senator DURBIN, Senator CLINTON, Senator LAUTENBERG, Senator BROWN, Senator KERRY, Senator BOXER, Senator DODD, Senator MURRAY, and Senator FEINGOLD.

This bill simply strikes the provision in the United States Leadership Against HIV/AIDS, Tuberculosis and Malaria Act of 2003 that mandates that at least 33 percent of HIV prevention funding in the President's Emergency Plan for AIDS Relief, PEPFAR, be set aside ''abstinence-until-marriage'' programs.

Let me be clear from the beginning: this bill does not prohibit the administration from funding ''abstinence-until-marriage'' programs.

In fact, if the bill becomes law, the administration would still be able to spend all of our HIV prevention funding on abstinence-until-marriage programs if it decided do so.

This bill is about giving the administration and HIV/AIDS workers the flexibility to design the most effective HIV prevention program without having to worry about artificial earmarks that are based on politics, not science.

Indeed, in the fight against the HIV/AIDS pandemic, we cannot afford to tie ourselves down with undue restrictions.

Worldwide, 40 million people are infected with HIV. Each day, approximately 12,000 people are newly infected with HIV. In 2006, there were 4.3 million new HIV infections around the world, 2.8 million in sub-Saharan Africa alone. Sub-Saharan Africa is home to almost two-thirds of the estimated 40 million people currently living with HIV.

Across sub-Saharan Africa, the prevalence rate for the adult population is 6 percent. Mr. President, 2.1 million adults and children died of AIDS in 2005.

Despite these devastating numbers, according to UNAIDS, less than one in five people at risk for infection of HIV have access to basic prevention services. Studies have shown that two-thirds of new HIV infections could be averted with effective prevention programs.

Clearly, we still have a long ways to go to rein in this disease.

The 2003 HIV/AIDS legislation recognized that prevention, along with care and treatment, is an essential component of that fight and demands a multipronged approach. It endorsed the ''ABC'' model for prevention of the sexual transmission of HIV: abstain, be faithful, use condoms.

Yet instead of allowing HIV/AIDS workers and doctors the ability to use all of the prevention tools at their disposal to respond to local needs, we required them to spend at least 33 percent on ''abstinence-until marriage'' programs.

The question has to been asked: Why 33 percent? Why not 15 percent? Why not 50 percent? What scientific study concluded that 33 percent of HIV prevention funds for abstinence only programs was appropriate?

There was no study and it begs the question: when you are fighting a pandemic that has already cost so many lives, who should decide how to allocate funding among different types of HIV prevention programs, Congress or the people with the knowledge and expertise on how to fight this disease?

I support abstinence programs as a critical part of our HIV prevention programs. But mandating an earmark has negative consequences for other effective tools.

It means less money for funds to prevent mother-to-child transmission, less money to promote a comprehensive prevention message to high risk groups such as sexually active youth, and fewer funds to protect the blood supply.

Indeed, the evidence clearly shows that the one-third earmark has inhibited the ability of local communities to design a multipronged HIV prevention program that works best for them.

Last year, the Government Accountability Office issued a report that found ''significant challenges'' associated with meeting the abstinence-until-marriage programs. The report concluded that the 33 percent abstinence spending requirement is squeezing out available funding for other key HIV prevention programs such as mother-to-child transmission and maintaining a health blood supply.

Country teams that are not exempted from the one-third earmark have to spend more than 33 percent of prevention funds on abstinence-until-marriage activities, sometimes at the expense of other programs, in order for the administration to meet the overall 33 percent earmark.

The spending requirement limited or reduced funding for programs directed to high-risk groups, such as sexually active youth and the majority of country teams on the ground reported that meeting the spending requirement ''challenges their ability to develop interventions that are responsive to local epidemiology and social norms.''

Last month, a congressionally mandated review by the Institute of Medicine on the first 3 years of the President's Emergency Plan for AIDS Relief also found significant problems with the abstinence earmark. It concluded: there is no evidence to support a 33 percent abstinence only earmark; the 33 percent earmark does not allow country teams on the ground the flexibility they need to respond to local needs.

Our bill seeks to address the problems highlighted in the GAO and the Institute of Medicine reports and provide local communities the necessary flexibility to achieve the goal we all share: stopping the spread of HIV, especially among young people.

Simply put, our bill balances congressional priorities with public health needs. Under our legislation, country teams can take into account country needs including cultural differences, epidemiology, population age groups and the stage of the epidemic in designing the most effective prevention program.

One size does not fit all. A prevention program in one country may look a lot different than a prevention program in another country.

A May 2003 report from the Bill and Melinda Gates Foundation and Henry J. Kaiser Foundation highlights that proven prevention programs include behavior change programs, including delay in the initiation of sexual activity, faithfulness and correct and consistent condom use; testing and treatment for sexually transmitted diseases; promoting voluntary counseling and testing; harm reduction programs for IV drug users; preventing the transmission of HIV from mother to child; increasing blood safety; empowering women and girls; controlling infection in health care settings; and devising programs geared towards people living with HIV.

For example, studies have shown that combining drugs with counseling and instruction on use of such drugs reduces mother-to-child transmission by 50 percent.

Such cost effective programs are not related to abstinence and should not be constrained by the 33 percent earmark on funds for prevention.

I understand the importance of teaching abstinence. It is and will remain a key part of our strategy in preventing the spread of HIV.

But let us listen to the words of someone with firsthand experience about the challenges sub-Saharan African countries face in combating HIV/AIDS and the constraints the ''abstinence-until-marriage'' earmark places on those efforts.

In an August 19, 2005, op-ed in the New York Times, Babatunde Osotimehin, chairman of the National Action Committee on AIDS in Nigeria, wrote:

Abstinence is one critical prevention strategy, but it cannot be the only one. Focusing on abstinence assumes young people can choose whether to have sex. For adolescent girls in Nigeria and in many other countries, this is an inaccurate assumption. Many girls fall prey to sexual violence and coercion. . . . When dealing with AIDS, we must address the realities and use a multipronged approach to improving education and health systems, one that can reach all of our people.

He concludes:

National governments must have the freedom to employ the very best strategies at our disposal to help our people.

I could not agree more.

If we want to help the girls of Nigeria and the youth of sub-Saharan Africa, we cannot limit the information they receive about keeping them safe from acquiring HIV.

We do not have time to lose. I urge my colleagues to support this legislation and support a pro-abstinence, multipronged approach to preventing the spread of HIV.

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. 1553

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 ''HIV Prevention Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The President's Emergency Plan for AIDS Relief (in this Act referred to as ''PEPFAR'') is an unprecedented effort to combat the global AIDS epidemic, with $9,000,000,000 targeted for initiatives in 15 focus countries.

(2) The PEPFAR prevention goal is to avert 7,000,000 HIV infections in the 15 focus countries—most in sub-Saharan Africa, where heterosexual intercourse is by far the predominant mode of HIV transmission.

(3) According to the Joint United Nations Programme on HIV/AIDS, young people between the ages of 15 and 24 years old are ''the most threatened by AIDS'' and ''are at the centre of HIV vulnerability''. Globally, young people between the ages of 10 and 24 years old account for ½ of all new HIV cases each year. About 7,000 young people in this cohort contract the virus every day.

(4) A recent review funded by the United States Agency for International Development found that sex and HIV education programs that encourage abstinence but also discuss the use of condoms do not increase sexual activity as critics of sex education have long alleged. Sex education can help delay the initiation of intercourse, reduce the frequency of sex and the number of sexual partners, and also increase condom use.

(5) The United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 et seq.) requires that at least ⅓ of all prevention funds be reserved for abstinence-until-marriage programs.

(6) A congressionally mandated review by the Institute of Medicine of the first 3 years of PEPFAR unequivocally recommends greater flexibility in the global fight against AIDS. The March 2007 Institute of Medicine report entitled ''PEPFAR Implementation: Progress and Promise'' calls for greater emphasis on prevention than the law currently allows and says that ''removal of the abstinence-until-marriage'' earmark, among other changes, ''could enhance the quality, accountability, and flexibility'' of prevention efforts.

(7) The Institute of Medicine report further found that the abstinence-until-marriage earmark ''has greatly limited the ability of Country Teams to develop and implement comprehensive prevention programs that are well integrated with each other and with counseling and testing, care and treatment programs and that target those populations at greatest risk''.

(8) The Institute of Medicine report also found that the earmark has ''limited PEPFAR's ability to tailor its activities in each country to the local epidemic and to coordinate with . . . the countries' national plans''.

(9) The Institute of Medicine report is in keeping with the conclusions of a report issued in 2006 by the Government Accountability Office. The GAO report, entitled ''Spending Requirement Presents Challenges for Allocating Funding under the President's Emergency Plan for AIDS Relief '', found ''significant challenges'' associated with meeting the earmark for abstinence-until-marriage programs.

(10) The Government Accountability Office found that a majority of country teams report that fulfilling the requirement presents challenges to their ability to respond to local epidemiology and cultural and social norms.

(11) The Government Accountability Office found that, although some country teams may be exempted from the abstinence-until-marriage spending requirement, country teams that are not exempted have to spend more than the 33 percent of prevention funds on abstinence-until-marriage activities—sometimes at the expense of other programs.

(12) The Government Accountability Office found that, as a result of the abstinence-until-marriage spending requirement, some countries have had to reduce planned funding for Prevention of Mother-to-Child Transmission programs, thereby limiting services for pregnant women and their children.

(13) The Government Accountability Office found that the abstinence-until-marriage spending requirement limited or reduced funding for programs directed to high-risk groups, such as services for married discordant couples, sexually active youth, and commercial sex workers.

(14) The Government Accountability Office found that the abstinence-until-marriage spending requirement made it difficult for countries to fund medical and blood safety activities.

(15) The Government Accountability Office found that, because of the abstinence-until-marriage spending requirement, some countries would likely have to reduce funding for condom procurement and condom social marketing.

(16) In addition, the Government Accountability Office found that ⅔ of focus country teams reported that the policy for implementing PEPFAR's ABC model (defined as ''Abstain, Be faithful, use Condoms'') is unclear and open to varying interpretations, causing confusion about which groups may be targeted and whether youth may receive the ABC message.

(17) The Government Accountability Office found that the ABC guidance does not clearly delineate permissible ''C'' activities under the ABC model. Program staff reported that they feel ''constrained'' by restrictions on promoting or marketing condoms to youth. Other country teams reported confusion about whether PEPFAR funds may be used for broad condom social marketing, even to adults in a generalized epidemic.

(18) Young people are our greatest hope for changing the course of the AIDS epidemic. According to the World Health Organization, ''[f]ocusing on young people is likely to be the most effective approach to confronting the epidemic, particularly in high prevalence countries''.

SEC. 3. ENSURING BALANCED FUNDING FOR HIV PREVENTION METHODS.

(a) SENSE OF CONGRESS ON ABSTINENCE-UNTIL-MARRIAGE FUNDING REQUIREMENT.—Section 402(b)(3) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7672(b)(3)) is amended by striking '', of which such amount at least 33 percent should be expended for abstinence-until-marriage programs''.

(b) ELIMINATION OF ABSTINENCE-UNTIL-MARRIAGE FUNDING REQUIREMENT.—Section 403(a) of such Act (22 U.S.C. 7673(a)) is amended by striking the second sentence.

By Ms. COLLINS (for herself and Mr. LIEBERMAN):

S. 1554. A bill to comprehensively address challenges relating to energy independence, air pollution, and climate change facing the United States; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce the Energy Independence, Clean Air, and Climate Security Act of 2007. This legislation takes an integrated approach that is much needed and long overdue if we are to address effectively three intertwined issues of crucial importance to our Nation's economy and security and to the health of our people and our planet. I am very pleased to be joined on this legislation by Senator LIEBERMAN, a true leader on energy, climate change, and environmental issues.

The majority leader has announced the Senate may well take up a broad package of energy legislation next week. The bill I am introducing today lays out my own vision of how our Nation can best address its energy problems.

If Mark Twain were with us today, it is not hard to imagine he would rephrase his famous quip about the weather to something along the lines of: Everyone talks about climate change and energy independence, but nobody does anything about it.

Since the actions we take to reduce our dependence on foreign oil, to clean our air, and to reduce our contribution to climate change all affect each other, it is necessary we develop a comprehensive strategy for all three of these challenges.

Indeed, since the oil embargo of 1973, through 17 Congresses and 7 different Presidents, energy efficiency and energy independence have generated a lot

of talk, some pretty good ideas, and a lot of promises but not enough concerted, determined, coordinated action. During these 34 years, our Nation's imports of foreign oil have soared from less than 35 percent to more than 60 percent, leaving us dangerously reliant on unstable regions of the world in order to fuel our Nation and our economy.

In addition to our increased reliance on foreign oil, we are also consuming more and more electricity. As demand puts increasing pressure on supply, electricity prices have soared. In the summer, when air-conditioners struggle to keep up with rising temperatures, we run the risk of blackouts, brownouts, and price spikes.

At the same time, our greenhouse gas emissions have soared, leading to virtually indisputable evidence that human activity is contributing to climate change. In the United States, emissions of the primary greenhouse gas, carbon dioxide, have risen more than 20 percent since 1990. Globally, carbon dioxide concentrations in the atmosphere now far exceed the natural range over the last 650,000 years. We know this from scientific analyses of ice cores and other evidence.

According to the Intergovernmental Panel on Climate Change, the increase in greenhouse gas emissions has already increased global temperatures and has likely contributed to more extreme weather events, such as droughts and floods. These emissions will continue to change the climate, causing warming in most regions and likely causing more floods, droughts, and an increase in the intensity of hurricanes.

Climate change is not the only environmental problem caused by fossil fuel use. The quality of our air also suffers. Although we have made some important strides in improving air quality since the 1970s, we have not done enough. Fossil fuel use is the primary cause of mercury pollution, smog, and acid rain that continue to plague our Nation. Indeed, air pollution causes thousands of asthma attacks and costs many lives annually.

The time has come to address our air quality, climate change, high energy prices, and dangerous reliance on foreign oil. The legislation I am introducing today is, I believe, the first Senate bill that would address all these problems in a single, integrated approach. There have been many bills introduced that address one of these problems. This is an attempt to have a comprehensive approach and to recognize that each of these problems affects the other.

My legislation focuses primarily on two sectors of the economy: electricity and transportation. Together, these two sectors account for 73 percent of carbon dioxide emissions. Electricity generation accounts for more than 40 percent of our carbon dioxide emissions. More than 80 percent of these emissions are attributable to coal-fired powerplants. Coal-fired powerplants are also the single largest source of mercury pollution, smog, and acid rain. Between 1990 and 2004, emissions from these sectors increased by 27 percent.

My legislation requires utilities to reduce carbon dioxide emissions to 1990 levels by the year 2020, while also addressing the emissions that cause smog, acid rain, and mercury pollution. It includes a renewable portfolio standard which would help to diversify our electricity supplies and energy efficiency resource standards that the Alliance to Save Energy estimates would save consumers, over time, billions of dollars on their electricity bills.

The transportation sector, which relies almost entirely on oil, is not only partly responsible for our dangerous reliance on foreign oil but also accounts for 33 percent of carbon dioxide emissions. My legislation would help to reduce emissions from this sector through a combination of provisions such as CAFE standards for automobiles and heavy-duty trucks, tax incentives for consumers to encourage them to purchase hybrid and alternative fueled vehicles, incentives for manufacturers to produce the next generation of energy-efficient vehicles, and a low carbon fuel standard that will help to replace some gasoline with biofuels. Taken together, these provisions will substantially reduce our reliance on foreign oil, while reducing greenhouse gas emissions by hundreds of millions of tons.

I wish to make clear the choice is not between hobbling our Nation's economy and protecting our environment. This legislation is based on the principle that research, development, and implementation of new approaches to energy independence and environmental stewardship will provide a powerful new stimulus for our economy. All too often, we are confronted with proposals to address one issue that only aggravate another problem. The integrated approach I am proposing will help us break through that impasse.

This legislation does not attempt to reinvent the wheel. In fact, it incorporates several good ideas from my colleagues that have been introduced as separate bills, many of which I have cosponsored, such as the Ten-in-Ten and other CAFE bills, the DRIVE Act, and the Clean Power Act. It includes provisions of legislation I have introduced to address abrupt climate change and to eliminate certain tax credits for the oil industry. It contains many of the excellent energy efficiency provisions in the Energy for Our Future Act introduced by Representative CHRIS SHAYS in the House.

My bill is also complementary with the McCain-Lieberman Climate Stewardship and Innovation Act. We need to pass that bill in order to establish a nationwide cap and trade program for addressing climate change. However, the regulations to implement that could take many years. The legislation I am proposing today will help us take some early action to help achieve the targets in the McCain-Lieberman bill.

I believe the first step toward energy independence is to make better, more efficient use of our current energy supplies. The first title of this bill tackles that issue on several fronts.

It would implement the ''Ten-in-Ten'' legislation I have co-sponsored with Senators FEINSTEIN and SNOWE to increase fuel economy standards to 35 miles per gallon by 2016. It would then go a step further and increase CAFE standards to 45 miles per gallon by 2025. This provision would save approximately 2.5 million barrels of oil per day.

It would help consumers buy more fuel-efficient cars by repealing the phase-out of the tax credit for hybrid vehicles, which is scheduled to sunset at the end of 2009. It would also require light trucks that use diesel fuel to meet more stringent EPA emission standards in order to qualify for the lean-burn credit.

Public transportation is one of the most effective ways we can get more passenger miles per gallon. This legislation would promote the development and use of public transportation by subsidizing fares, encouraging employers to assist their employees with fares, and authorizing funding to build energy-efficient and environmentally friendly modes of transport, such as clean buses and light rail.

It would direct the Department of Transportation to designate 20 Transit-Oriented Development Corridors in urban areas by 2015, and 50 by 2025. These TOD Corridors would be developed with the aid of grants to state and local governments to construct or improve facilities for motorized transit, bicycles, and pedestrians. These provisions would be funded by an authorization of $500 million per year from 2007 through 2016.

We must do more to encourage the development and manufacture of energy-efficient vehicles. This legislation would create a 20-percent investment tax credit for automobile manufacturers, and a fuel economy achievement credit for manufacturers that have a combined fleet fuel economy that exceeds that of their 2005 model year. This credit would begin at 5 percent next year and rise to 50 percent in 2015.

And we must do more to help existing vehicles be as energy efficient as possible. This legislation would direct the DOT to create a National Tire Fuel Efficiency Program that would include tire testing and labeling, energy-efficient tire promotions through incentives and information, and the creation of minimum fuel economy standards for tires. These standards would establish the maximum technically feasible and cost-effective fuel savings without adversely affecting tire safety or average tire life.

Heavy-duty vehicles move our economy. This legislation would keep them on the move while helping to reduce both fuel consumption and emissions.

It would require DOT to develop a testing and assessment program to determine what is feasible to improve the efficiency of heavy vehicles, and then to develop the appropriate fuel-economy standards. It also would provide a tax credit of up to $3,500 for the purchase of idling reduction technology for heavy vehicles.

In order for the Federal Government to lead by example, this legislation would require the Secretary of Energy to issue regulations for federal fleets covered by the Energy Policy Act of 1992 to reduce petroleum consumption by 30 percent from a 1999 baseline by 2016.

Title II of my legislation focuses on increasing our energy independence and reducing our emissions from the transportation sector through the use of alternative fuels.

Renewable fuels offer great potential to help us achieve greater energy independence. This legislation would help us realize that potential by establishing a clean, renewable fuels performance standard. The performance standard would require fuel providers to increase the volume of clean, low-carbon, renewable fuels by up to 35 billion gallons by 2025, unless EPA finds that the increase is technically infeasible or is likely to result in adverse impacts.

This legislation would expand existing tax credits for ethanol to include cellulosic biomass. While there has been a great deal of focus on using corn-based ethanol in order to decrease our reliance upon foreign oil, there are other renewable, plant-based energy sources that are more environmentally friendly and have greater potential to reduce greenhouse gas emissions.

Researchers at the University of Maine have been at the forefront of applying a research technique known as ''Life Cycle Analysis.'' Life Cycle Analysis is a unique interdisciplinary research tool that analyzes the energy requirements and environmental footprint involved with the manufacture, use, and disposal of a material. This technique is ideal for identifying fuels which have the lowest environmental impact and the greatest potential for reducing greenhouse gas emissions, while reducing our dependence on foreign oil.

My legislation would authorize $275 million over five years for research that would use Life Cycle Analysis in order to identify and develop new biotechnologies. These technologies will help move our petroleum-based economy toward a renewable, sustainable forest bio-economy.

Environmental stewardship must go beyond the tailpipes of our vehicles to the smokestacks of our power plants. Title III of my legislation builds upon the Clean Power Act that I introduced in the last Congress with Senators JEFFORDS and LIEBERMAN. I have, however, modified this provision to provide assistance to small businesses struggling with high electricity costs. I have also included increased funding for important conservation programs such as Forest Legacy, in order to help wildlife adapt to the impacts of climate change.

This legislation would cut all four major power plant pollutants over the next six years. Sulfur dioxide and nitrogen oxides, which cause smog, acid rain, and asthma attacks, would be cut by 75 percent. Toxic mercury emissions would be cut by 90 percent from 1999 levels, and carbon dioxide, which forms the heat-trapping blanket that contributes to global warming, would be cut to 1990 levels.

These reductions would do more than provide long-term protection for our environment; they also would produce dramatic and immediate health gains for our people. According to the EPA, quick and decisive cuts in nitrogen and sulfur emissions from power plants would save 18,700 lives every year, avoid 366,000 asthma attacks, and prevent $100 billion in health care costs. In addition, these cuts would combat the acid rain that is spoiling some of our Nation's most treasured parks and wilderness areas.

The Centers for Disease Control has concluded that 4.9 million women of childbearing age have elevated levels of mercury, and that 322,000 newborns are at risk of neurological damage from mercury exposure. This provision preserves our national commitment to reduce toxic threats to pregnant women and to children by requiring meaningful reductions and by prohibiting trading.

The Clean Power Act incorporated into this legislation closes the grandfather loophole that exempts dirty, aging power plants from cleanup. Every power plant will be required to meet the most modern pollution control standards by either the plant's 40th year of operation or by the fifth year of the enactment of this legislation.

The Clean Power Act uses market mechanisms, such as buying and selling pollution allowances known as ''emissions trading.'' As I have already stated, under my bill, this trading will not be allowed for toxic mercury. Nor will it be allowed if it enables a power plant to pollute at a level that damages public health or the environment.

Power plants are the largest source of our Nation's contribution to global warming; as I stated earlier, they account for some 40 percent of our carbon dioxide emissions. This legislation would return carbon dioxide emissions to 1990 levels. By providing electricity producers with regulatory certainty now about future pollution-reduction requirements, this legislation would allow smarter investments and more cost-efficient planning.

As with existing motor vehicles, we must make more efficient use of the energy we now produce to heat our homes and power our lights. This legislation would double funding for the Department of Energy Weatherization Program, reaching $1.4 billion for 2008. It also would provide predictable funding for the valuable Energy Star Program, which helps consumers buy energy efficient appliances, and would extend the renewable electricity tax credit through 2011 and the residential investment tax credit for solar and energy efficient buildings through 2012.

This legislation also includes an Energy Efficiency Performance Standard for utilities. This provision requires utilities to achieve energy efficiency improvements. This provision would help consumers save on their electricity bills. By way of example, in California, where a similar provision was employed, utilities achieved energy savings at a cost of around 2–4 cents per kilowatt hour. According to the Alliance to Save Energy, an Energy Efficiency Performance Standard could save consumers $64 billion in net savings, and avoid the need to build 400 power plants, preventing 320 million metric tons of carbon dioxide emissions.

In addition, my legislation includes a renewable portfolio standard which would require utilities to generate 20 percent of their electricity from environmentally sound renewable energy sources by the year 2020. For example, biomass electricity generated under this provision must be done using sustainable forest practices.

This legislation will help Americans save on utility bills, and make our tax code fairer, too. Title V would eliminate two major tax credits that benefit large oil and gas companies: tax credits for intangible drilling costs and for excess percentage over cost depletions. This would save the taxpayers billions of dollars over the next five years.

This legislation also would help us better understand and assess climate change. During the last three years, I have had the opportunity to meet in the field with some of the world's foremost climate scientists. I have traveled to Ny-Alesund, Norway, the northernmost community in the world, where I saw the dramatic loss of sea-ice cover and the retreating Arctic glaciers. I have seen the same alarming changes in Alaska. Just a year ago, I went to the other end of the world and met with researchers—including a team from the University of Maine's outstanding Climate Change Institute—in Antarctica. These regions are the canary in the coal mine, and the changes taking place provide a warning we cannot ignore.

Nor can we forestall taking action by arguing over the precise extent of climate change and the human contribution to it. The answer to scientific uncertainty is additional research. Title VI of my legislation would authorize $60 million for abrupt climate change research. Studies suggest that the climate can change dramatically within a very short period of time. An abrupt climate change triggered by the ongoing buildup of greenhouse gases could cause catastrophic droughts and floods.

Understanding and predicting climate change are enormous scientific challenges. A great deal more scientific research is necessary in order to better understand the potential risk of abrupt climate change, and this legislation would provide the resources that are so urgently required.

There are few issues of greater concern to my constituents in my home state of Maine than our nation's ongoing and escalating reliance on foreign oil, and the damage our vehicle and power plant emissions are doing to the environment. They bear the brunt of wildly fluctuating and steadily increasing energy prices. They know the harm this dependence causes to our national security, and they know the harm our current energy usage causes to the air they breathe. And although a bone-chilling, winter nor'easter may bring a new round of jokes about the possible benefits of global warming, they know that human-caused climate change is no laughing matter. They know we must be better stewards of our planet.

I believe that all Americans—whether they live in the sunny south or a winter wonderland—share these concerns. They have heard enough talk; they want us to act. Americans deserve to breathe clean air, pay reasonable gasoline and electricity prices, live in a world with a stable climate future, and have the peace of mind that comes with secure energy supplies. The Energy Independence, Clean Air, and Climate Security Act offers a comprehensive, integrated approach to these issues.

In conclusion, let me describe the six titles very briefly.

The first title of my bill would increase energy independence and reduce greenhouse gas emissions by improving the efficiency of our transportation sector. The second title would accomplish similar goals by replacing some gasoline with alternative fuels. The third title would reduce emissions of mercury, carbon dioxide, sulfur dioxide, and nitrogen oxides from powerplants. The fourth title would help to reduce heat and electricity bills and diversify our electricity supply through a combination of energy efficiency and renewable energy provisions. The fifth title would help save taxpayers money through the elimination of certain tax breaks for the oil industry. Finally, the sixth title would authorize $60 million for abrupt climate change research to help us better understand this phenomenon.

I am particularly excited about renewable fuels. I think there is a lot we could do to expand the tax break for ethanol to include cellulosic biomass. There is very exciting research being done at the University of Maine which has been in the forefront of applying a research technique known as ''Life Cycle Analysis,'' which is a tool that analyzes the energy requirements and environmental footprint involved in the manufacture, use, and disposal of a material. It is ideal for identifying fuels which have the lowest environmental impact and the greatest potential for reducing greenhouse gas emissions while reducing our dependence on foreign oil. This technology will help us move our petroleum-based economy toward a renewable, sustainable, forest bioeconomy.

This is a complex bill. I appreciate the indulgence of my colleagues.

By Mr. DODD (for himself, Mr. ENSIGN, Mr. AKAKA, Ms. COLLLNS, Mr. MENENDEZ, Mr. COCHRAN, Mr. WHITEHOUSE, and Mr. CASEY):

S. 1557. A bill to amend part B of title IV of the Elementary and Secondary Education Act of 1965 to improve 21st Century Community Learning Centers; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today, joined by my colleague Senator ENSIGN, to introduce the Improving 21st Century Community Learning Centers Act of 2007, which will provide children with safe, healthy, and academically focused afterschool programs. This bill is endorsed by the Afterschool Alliance, an organization representing more than 20,000 public, private, and nonprofit afterschool providers who are dedicated to expanding access to high quality afterschool programs, as well as many other national and local organizations.

More than 14 million children enrolled in kindergarten through 12th grade spend time unsupervised in the hours after school. Between the hours of 3 p.m. and 6 p.m., while parents are at work, kids are most likely to experiment with risky behaviors. To the contrary, students who regularly attend afterschool programs have better grades and behavior in school, better peer relations and emotional adjustment, and lower incidences of drug use, violence, and pregnancy. America's families rely on afterschool programs to give their children the opportunity to be engaged in high quality learning activities that will enhance their children's success in school and in life.

The Improving 21st Century Community Learning Centers Act of 2007 is designed to do three things: enhance program quality and sustainability, address the obesity epidemic by including physical fitness and wellness programs in the list of possible programming activities, and encourage service learning. First, our bill provides States with tools designed to sustain high quality afterschool programs by allowing program grantees to renew their grants based on their program performance. The legislation also gives States the option to expand their technical assistance functions to further improve the quality of afterschool programs.

Second, this bill will increase opportunities for children and young people to be more physically active. As obesity reaches epidemic proportions in our society, allowing for such opportunities is critical in ensuring our children's overall health. Obesity is among the easiest medical conditions to recognize, but among the most difficult to treat. The annual cost to society for obesity is estimated at nearly $100 billion. Physical activity and wellness programs are critical to our overall health and well-being.

Third, this bill encourages children to be involved in service learning and youth development activities. Service learning integrates student designed service projects with academic studies. This type of program has been shown to strengthen student engagement, enhance student achievement, lower drop out and suspension rates, develop workforce and leadership skills and provide opportunities for team work. The Improving 21st Century Community Learning Centers Act will help build the character and work ethic of our children and youth.

Finally, it is of paramount importance that we adequately fund our afterschool programs. Currently, afterschool programs have served, at most, only 1.4 million children. It is critical that we provide more opportunities for youth to be engaged in high quality afterschool programming.

The Improving 21st Century Community Learning Centers Act provides a critical first step toward ensuring the health, safety, and education of our Nation's children. I hope that my colleagues will join me in supporting this important 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. 1557

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 ''21st Century Community Learning Centers Act of 2007''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More than 28,000,000 children in the United States have parents who work outside the home and 14,300,000 children in the United States are unsupervised after the school day ends.

(2) 6,500,000 children are in after school programs but an additional 15,300,000 would participate if such a program were available.

(3) After school programs inspire learning. In academic year 2003–2004, 45 percent of all 21st Century Community Learning Centers program participants had improved their reading grades, and 41 percent improved their mathematics grades.

(4) In academic year 2003-2004 teachers reported that a majority of students who participated in 21st Century Community Learning Centers programs demonstrated improved student behavior, particularly in the areas of academic performance, homework completion, and class participation.

(5) A growing body of research also suggests that children who participate in after school programs attend school more regularly, are more likely to stay in school, and are better prepared for college and careers.

(6) Benefits of after school programs extend beyond the classroom. Communities

with after school programs have reported reduced vandalism and juvenile crime.

(7) After school programs help working families. One study estimates that decreased worker productivity due to stress and absenteeism caused by issues related to after school care arrangements costs employers $496 to $1,984 per employee, per year, depending on the annual salary of the employee. The total cost to the business industry is estimated to be between $50,000,000,000 and $300,000,000,000 annually in lost job productivity.

(8) While students in the United States are falling behind in science, technology, engineering, and mathematics (STEM), more than 90 percent of after school programs funded by 21st Century Community Learning Centers offer STEM activities, providing more time for children and youth to gain skills and build interest in the STEM fields. Evaluations of after school programs offering STEM activities to students have found increases in the reading, writing, and science skills proficiency of these students. Children who participate in such programs show more interest in science careers, and are more likely to have engaged in science activities just for fun.

(9) Data from 73 after school studies indicate that after school programs employing evidence-based approaches to improving students' personal and social skills were consistently successful in producing multiple benefits for students, including improvements in students' personal, social, and academic skills, as well as students' self-esteem.

(10) Teens who do not participate in after school programs are nearly 3 times more likely to skip classes than teens who do participate. The teens who do not participate are also 3 times more likely to use marijuana or other drugs, and are more likely to drink alcohol, smoke cigarettes, and engage in sexual activity. In general, self care and boredom can increase the likelihood that a young person will experiment with drugs and alcohol by as much as 50 percent.

(11) A 2006 study predicts that by the year 2010 more than 46 percent of school-age children in the Americas will be overweight and 1 in 7 such children will be obese. A study of after school program participants in 3 elementary schools found that after school participants were significantly less likely to be obese at the 3-year follow-up physical exam and were more likely to have increased acceptance among their peers. After school programs provide children and youth with opportunities to engage in sports and other fitness activities.

(12) After school programs have been identified as effective venues for improving nutrition, nutrition education, and physical activity at a time when just 20 percent of youth in grades 9 through 12 consume the recommended daily servings of fruits and vegetables.

(13) After school programs also provide children and youth with opportunities for service learning, a teaching and learning approach that integrates student-designed service projects that address community needs with academic studies. With structured time to reflect on their service experience, these projects can strengthen student engagement, enhance students' academic achievement, lower school drop out and suspension rates, and help develop important workforce skills that employers are looking for, including leadership skills, critical thinking, teamwork, and oral and written communication.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301).

SEC. 4. 21ST CENTURY COMMUNITY LEARNING CENTERS.

(a) PURPOSE.—Section 4201 (20 U.S.C. 7171) is amended—

(1) in subsection (a)(2)—

(A) by inserting ''service learning and nutrition education,'' after ''youth development activities,''; and

(B) by striking ''recreation programs'' and inserting ''physical fitness and wellness programs''; and

(2) in subsection (b)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) ALLOTMENTS TO STATES.—Section 4202 (20 U.S.C. 7172) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(2) in subsection (c)(3)—

(A) in the matter preceding subparagraph (A), by striking ''3 percent'' and inserting ''5 percent''; and

(B) by adding at the end the following:

''(E) Supporting State-level efforts and infrastructure to ensure the quality and availability of after school programs.''.

(c) AWARD DURATION.—Section 4204(g) (20 U.S.C. 7174(g)) is amended by striking the period and inserting '', and are renewable for a period of not less than 3 years and not more than 5 years based on grant performance.''.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 4206 (20 U.S.C. 7176) is amended to read as follows:

''SEC. 4206. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part such sums as may be necessary for fiscal year 2008 and each of the 5 succeeding fiscal years.''.

Mr. ENSIGN. Mr. President, I rise today to introduce the Improving 21st Century Community Learning Centers Act of 2007 with my colleague, Senator CHRIS DODD.

The Improving 21st Century Community Learning Centers Act of 2007 will go a long way toward providing our Nation's children with safe, healthy, and academically focused aftershool programs. Mr. President, 21st century community learning centers provide students in rural and inner-city public schools with access to homework centers, tutors, mentors, and drug and alcohol prevention counseling, as well as cultural and recreational activities.

Today, 14.3 million children go home alone when the school day ends, including over 40,000 kindergartners and almost 4 million middle school students. With less than half of the children in afterschool programs, the parents of another 15.3 million children say their children would participate in afterschool—if a program were available. The 21st Century Community Learning Centers Program is a critical resource to children, families, and communities in their struggle to meet the need for high-quality afterschool programs.

The 21st Century Community Learning Centers Program is a worthwhile and necessary investment—evaluations show that these investments are having a great impact on children's academic achievement and behavior. In 2003–2004, 45 percent of all program participants had improved their reading grades and 41 percent improved their math grades. Teachers reported that a majority of the students participating in the programs improved their academic performance, improved their school attendance, completed more homework on time and to the teacher's satisfaction, and improved their class participation. Beyond the academic gains, these programs are making kids and communities safer by reducing vandalism and juvenile crime. It is important that we provide our children with access to high-quality, safe, and enriching environments in the hours after the school day.

When my colleagues and I passed the No Child Left Behind Act in 2002 it included a bipartisan commitment to quality afterschool programs and investment in the 21st Century Community Learning Centers Program. The learning centers are currently funded at $981 million and serve about 1 million children, yet this is just a fraction—7 percent—of the children who are eligible for the program and need access to high-quality afterschool programs. Improving 21st Century Community Learning Centers Act of 2007 will address this need and provide our children with the sustainable afterschool opportunities that they deserve.

Recent evaluations of 21st Century Community Learning Center Programs show that participating students are improving both their academic performance and social behavior in and out of the classroom. Yet maintaining quality programs takes constant effort and resources. This legislation increases the investments in quality that are critical to ensuring that programs not only contribute to children's academic and social development but also give young people the opportunities that will ensure their college and workplace readiness in the future.

As the father of three and as a former latch-key kid myself, I understand the benefits of providing children with a place to go and activities to help them excel. I am committed to ensuring that our schools have the assistance they need to ensure that our children leave the public education system as well-rounded individuals. Children attending public schools should not only be proficient in reading, writing, and arithmetic but also be skillful in music, art, and athletics. It is my sincere hope that my colleagues in the Senate will recognize this important need and cosponsor the Improving 21st Century Community Learning Centers Act of 2007.

By Mr. DODD (for himself, Mr. DOMENICI, and Mr. KENNEDY):

S. 1560. A bill to amend the Public Health Service Act to improve the quality and availability of mental health services for children and adolescents; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD, Mr. President, I rise today to introduce bipartisan legislation with my colleagues, Senators DOMENICI and KENNEDY, that seeks to meet the mental health needs of children and adolescents.

I believe that the task of ensuring the emotional well-being and resiliency of our young people is one of paramount importance. We all know that mental health is a critical component contributing to a child's general health and ability to grow both intellectually and physically. Yet, the task of ensuring the mental health of children and adolescents is not an easy one. In fact, it is arguably one of the most difficult and largely unspoken tasks facing our Nation today.

According to the Substance Abuse and Mental Health Services Administration SAMHSA, 1 in 10 children and adolescents suffer from mental health disorders serious enough to cause some level of impairment. Out of these young people, only one in five receive the specialty mental health services they require.

These startling statistics prompted former Surgeon General Dr. David Satcher to convene a conference in 1999 that examined the mental health needs of children. The conference, composed of some of the Nation's leading experts in mental and public health published a seminal report that concluded that ''. . . the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.'' The report further concluded that ''. . . there is broad evidence that the Nation lacks a unified infrastructure to help children suffering from mental illness.''

The ''burden of suffering'' described in Surgeon General Satcher's report is a burden endured by millions of children, adolescents, and their families in Connecticut and across our Nation. Throughout my Senate career, I have heard from families who have shared with me their personal stories in struggling to care for their children. Their stories have fueled my belief that child and adolescent mental health needs to be a top priority.

Recognizing the fragmentation of the Nation's mental health delivery system, Surgeon General Satcher's report concluded that one fundamental way to meet the mental health needs of children and adolescents is to ''. . . move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.'' The report further stated eight goals to ensure the resiliency of children and adolescents. These goals were: first, to promote public awareness of children's mental health issues and reduce the stigma often associated with mental illness; second, to continue to develop, disseminate, and implement scientifically proven prevention and treatment services in the field of children's mental health; third, to improve the assessment and recognition of mental health needs in children; fourth, to eliminate racial, ethnic and socioeconomic disparities in access to mental health care services; fifth, to improve infrastructure for children's mental health services, including support for scientifically proven interventions across professions; sixth, to increase access to and coordination of quality mental health care services; seventh, to train frontline providers to recognize and manage mental health issues, and educate mental health care providers about scientifically proven prevention and treatment services, and; finally, to monitor the access to and coordination of quality mental health care services.

In 2002, President Bush established the President's New Freedom Commission on Mental Health to study three obstacles identified by the President that prevent Americans with mental illness from getting the care they require. These obstacles were identified as the stigma that too often surrounds mental health care, a lack of mental health parity, and the fragmented mental health delivery system. In 2003, the President's New Freedom Commission issued a report that made a series of recommendations on how the Nation's mental health system could be transformed for the better. Like Surgeon General Satcher's report, this publication also set forth a series of goals. They were: first, to ensure that Americans understand that mental health is essential to overall health; second, to ensure that mental health care is consumer- and family-driven; third, to eliminate disparities in mental health care services; fourth, to ensure that early mental health screening, assessment, and referral services are common practices; fifth, to ensure that excellent mental health care is delivered and research is accelerated; and finally, to ensure that technology is used to access mental health care and information.

I describe these two reports because the legislation I am introducing with my colleagues today seeks to address the recommendations they espouse. The Child and Adolescent Mental Health Resiliency Act of 2007 authorizes $205 million in an effort to meet five principal objectives.

The first objective is to increase access to, and improve the quality of, mental health care services delivered to children and adolescents. Our legislation seeks to meet this objective in several ways.

First, it authorizes a new grant of $50 million for states to develop and implement a comprehensive mental health plan exclusively for children and adolescents that provides community-based mental health early intervention and prevention services and relevant support services, such as primary health care, education, transportation and housing. The plan would have to meet a set of core operational and evaluative requirements and would have to be developed through extensive outside consultation with children and adolescents, their families, advocates and health professionals.

Second, our legislation authorizes two matching grants of $22.5 million each for community health centers, many of which primarily serve low-income populations, and primary health care facilities, such as a pediatrician's office, to provide community-based mental health services in coordination with community mental health centers and/or trained mental health professionals.

Third, our legislation authorizes a new grant of $22.5 million for states, localities and private nonprofit organizations, for example, school districts, to provide community-based mental health services in schools and appropriate mental health training activities to relevant school and health professionals.

Fourth, our legislation authorizes a new grant of $20 million for States, localities and private nonprofit organizations to provide community-based mental health services specifically for at-risk mothers and their children.

Fifth, our legislation authorizes a new grant of $10 million for States, localities and private nonprofit organizations to provide community-based mental health services for children and adolescents in juvenile justice systems.

Sixth, our legislation authorizes $10 million for the Secretary of Health and Human Services to establish, run and evaluate a demonstration project that improves the ability of local case managers to work across the mental health, public health, substance abuse, child welfare, education, juvenile justice and social services systems in a State.

Finally, our legislation requires States to meet their statutory obligations to fund fully mental health screening services under the Early and Periodic Screening, Diagnostic and Treatment Services Program. It also requires current successful initiatives, such as the Comprehensive Community Mental Health Services for Children with Serious Emotional Disturbance Program, the Community Mental Health Services Performance Partnership block grant, the Community Mental Health Services block grant, and the Jail Diversion Program, to expand their scope with respect to certain reporting, evaluative, and service activities.

The second objective our legislation seeks to meet is ensuring greater public awareness and greater family participation in mental health services decisionmaking. Toward this end, our legislation does the following:

First, it authorizes a new grant of $10 million for States, localities and private nonprofit organizations to develop policies that enable families of children and adolescents with mental health disorders to have increased control and choice over mental health services provided and received through a publicly funded mental health system.

Second, it authorizes a new grant of $10 million for private nonprofit organizations to provide information on child and adolescent mental health disorders, services, support services and respite care to families of children and adolescents with or who are at risk for mental health disorders.

Third, it authorizes a new grant of $10 million for private nonprofit organizations to develop community coalitions and public education activities that promote child and adolescent resiliency.

In addition, our legislation authorizes $10 million to establish two new technical assistance centers. These centers are designed to collect and disseminate information on mental health disorders, mental health disorder risk factors, mental health services, mental health service access, relevant support services, reducing the inappropriate use of seclusion and restraints, and family participation in mental health service decision-making, exclusively for children and adolescents with or at risk of mental health disorders.

The third objective that this legislation seeks to meet is for the Federal Government to develop a policy specifically designed to meet the unique mental health needs of children and adolescents. The legislation authorizes $10 million for the establishment of an interagency coordinating committee consisting of all Federal officials whose departments or agencies oversee mental health activities for children and adolescents. Modeled after language in the Garrett Lee Smith Memorial Act, our legislation requires the coordinating committee to consult with outside parties, develop a Federal policy exclusively pertaining to child and adolescent mental health, and report annually to Congress on specific challenges and solutions associated with comprehensively addressing the mental health needs of children and adolescents. It also gives the committee flexibility to develop and implement joint demonstration projects that bolster appropriate mental health care services to children and adolescents.

The fourth and final objective that this legislation seeks to meet is increasing the amount of research into child and adolescent mental health. Only through intensive research can we develop evidence-based best practices that allow us to develop services that fully meet the mental health needs of our children. Toward that end, our legislation authorizes a new grant of $12.5 million for States, localities, institutions of higher education and private nonprofit organizations to identify and research current service, training and information awareness gaps in mental health delivery systems for children and adolescents. Our legislation also authorizes $12.5 million to enhance comprehensive Federal research and evaluation of promising best practices, existing disparities, psycho-tropic medications, trauma, recovery and rehabilitation, and co-occurring disorders as they relate to child and adolescent mental health.

I have begun working with my colleagues on the Committee on Health, Education, Labor, and Pensions to reauthorize the Substance Abuse and Mental Health Services Administration. It is my hope that this legislation can contribute to that reauthorization effort.

I would like to conclude by saying that this legislation, while comprehensive, is a first step, not a complete solution, towards fully meeting the challenge of ensuring the resiliency of our children and adolescents. We need to continue working together—young people, families, doctors, counselors, nurses, teachers, advocates, and policymakers, since we all have a stake, either professional or personal, on this issue. Only by working together can we develop effective and compassionate ways through which every young person in this Nation is given a solid foundation upon which to reach his or her dreams in life. I sincerely hope that my colleagues will join us in this important effort.

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. 1560

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 ''Child and Adolescent Mental Health Resiliency Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS
Sec. 101. Grants concerning comprehensive state mental health plans.
Sec. 102. Grants concerning early intervention and prevention.
Sec. 103. Activities concerning mental health services in schools.
Sec. 104. Activities concerning mental health services under the early and periodic screening, diagnostic, and treatment services program.
Sec. 105. Activities concerning mental health services for at-risk mothers and their children.
Sec. 106. Activities concerning interagency case management.
Sec. 107. Grants concerning consumer and family participation.
Sec. 108. Grants concerning information on child and adolescent mental health services.
Sec. 109. Activities concerning public education of child and adolescent mental health disorders and services.
Sec. 110. Technical assistance center concerning training and seclusion and restraints.
Sec. 111. Technical assistance centers concerning consumer and family participation.
Sec. 112. Comprehensive community mental health services for children and adolescents with serious emotional disturbances.
Sec. 113. Community mental health services performance partnership block grant.
Sec. 114. Community mental health services block grant program.
Sec. 115. Grants for jail diversion programs.
Sec. 116. Activities concerning mental health services for juvenile justice populations.
TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES
Sec. 201. Interagency coordinating committee concerning the mental health of children and adolescents.
TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS
Sec. 301. Activities concerning evidence-based or promising best practices.
Sec. 302. Federal research concerning adolescent mental health.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, mental health is a critical component of children's learning and general health.

(2) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, 1 in 10 children and adolescents suffer from mental illness severe enough to cause some level of impairment.

(3) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, only 1 in 5 children and adolescents who suffer from severe mental illness receive the specialty mental health services they require.

(4) According to the World Health Organization, childhood neuropsychiatric disorders will rise by more than 50 percent by 2020, internationally, to become 1 of the 5 most common causes of morbidity, mortality, and disability among children.

(5) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the burden of suffering experienced by children with mental illness and their families has created a health crisis in this country.

(6) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, there is broad evidence that the nation lacks a unified infrastructure to help children suffering from mental illness.

(7) According to the President's New Freedom Commission on Mental Health, President George Bush identified 3 obstacles preventing Americans with mental illness from getting the care they require: stigma that surrounds mental illness, unfair treatment limitations and financial requirements placed on mental health benefits in private health insurance, and the fragmented mental health service delivery system.

(8) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, 1 way to ensure that the country's health system meets the mental health needs of children is to move towards a community-based mental health delivery system that balances health promotion, disease prevention, early detection, and universal access to care.

(9) According to the President's New Freedom Commission on Mental Health, transforming the country's mental health delivery system rests on 2 principles: services and

treatments must be consumer and family-centered, and care must focus on increasing a person's ability to successfully cope with life's challenges, on facilitating recovery, and building resiliency.

(10) According to the Surgeon General's Conference on Children's Mental Health: A National Action Agenda, the mental health and resiliency of children can be ensured by methods that promote public awareness of children's mental health issues and reduce stigma associated with mental illness, continue to develop, disseminate, and implement evidence-based and promising prevention and treatment services in the field of children's mental health, improve the assessment of and recognition of mental health needs in children, eliminate racial, ethnic, and socioeconomic disparities in access to mental healthcare services, improve the infrastructure for children's mental health services, including support for evidence-based and promising interventions across professions, increase access to and coordination of quality mental healthcare services, train frontline providers to recognize and manage mental health issues and educate mental healthcare providers about evidence-based and promising prevention and treatment services, and monitor the access to and coordination of quality mental healthcare services.

(11) According to the President's New Freedom Commission on Mental Health, the country's mental health delivery system can be successfully transformed by methods that ensure Americans understand that mental health is essential to overall health, ensure mental health care is consumer and family-driven, eliminate disparities in mental healthcare services, ensure early mental health screening, assessment, and referral services are common practices, ensure that excellent mental health care is delivered and research is accelerated, and ensure that technology is used to access mental health care and information.

TITLE I—STATE AND COMMUNITY ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 101. GRANTS CONCERNING COMPREHENSIVE STATE MENTAL HEALTH PLANS.

Subpart 3 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb–31 et seq.) is amended by inserting after section 520A, the following:

"SEC. 520B. COMPREHENSIVE STATE MENTAL HEALTH PLANS.

''(a) GRANTS.—The Secretary, acting through the Center for Mental Health Services, shall award a 1-year, non-renewable grant to, or enter into a 1-year cooperative agreement with, a State for the development and implementation by the State of a comprehensive State mental health plan that exclusively meets the mental health needs of children and adolescents, including providing for early intervention, prevention, and recovery oriented services and supports for children and adolescents, such as mental and primary health care, education, transportation, and housing.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under this section a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

''(1) a certification by the governor of the State that the governor will be responsible for overseeing the development and implementation of the comprehensive State mental health plan; and

''(2) the signature of the governor of the State.

''(c) REQUIREMENTS.—The Comprehensive State Plan shall include the following:

''(1) An evaluation of all the components of the current mental health system in the State, including the estimated number of children and adolescents requiring and receiving mental health services, as well as support services such as primary health care, education, and housing.

''(2) A description of the long-term objectives of the State for policies concerning children and adolescents with mental disorders. Such objectives shall include—

''(A) the provision of early intervention and prevention services to children and adolescents with, or who are at risk for, mental health disorders that are integrated with school systems, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs, foster care systems, child welfare systems, and other child and adolescent support organizations;

''(B) a demonstrated collaboration among agencies that provide early intervention and prevention services or a certification that entities will engage in such future collaboration;

''(C) implementing or providing for the evaluation of children and adolescents mental health services that are adapted to the local community;

''(D) implementing collaborative activities concerning child and adolescent mental health early intervention and prevention services;

''(E) the provision of timely appropriate community-based mental health care and treatment of children and adolescents in child and adolescent-serving settings and agencies;

''(F) the provision of adequate support and information resources to families of children and adolescents with, or who are at risk for, mental health disorders;

''(G) the provision of adequate support and information resources to advocacy organizations that serve children and adolescents with, or who are at risk for, mental health disorders, and their families;

''(H) identifying and offering access to services and care to children and adolescents and their families with diverse linguistic and cultural backgrounds;

''(I) identifying and offering equal access to services in all geographic regions of the State;

''(J) identifying and offering appropriate access to services in geographical regions of the State with above-average occurrences of child and adolescent mental health disorders;

''(K) identifying and offering appropriate access to services in geographical regions of the State with above-average rates of children and adolescents with co-occurring mental health and substance abuse disorders;

''(L) offering continuous and up-to-date information to, and carrying out awareness campaigns that target children and adolescents, parents, legal guardians, family members, primary care professionals, mental health professionals, child care professionals, health care providers, and the general public and that highlight the risk factors associated with mental health disorders and the life-saving help and care available from early intervention and prevention services;

''(M) ensuring that information and awareness campaigns on mental health disorder risk factors, and early intervention and prevention services, use effective and culturally-appropriate communication mechanisms that are targeted to and reach children and adolescents, families, schools, educational institutions, juvenile justice systems, substance abuse programs, mental health programs, primary care programs, foster care systems, child welfare systems, and other child and adolescent support organizations;

''(N) implementing a system to ensure that primary care professionals, mental health professionals, and school and child care professionals are properly trained in evidence-based best practices in child and adolescent mental health early intervention and prevention, treatment and rehabilitation services and that those professionals involved with providing early intervention and prevention services are properly trained in effectively identifying children and adolescents with or who are at risk for mental health disorders;

''(O) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on evidence-based or promising best practices;

''(P) the provision of continuous training activities for primary care professionals, mental health professionals, and school and child care professionals on family and consumer involvement and participation;

''(Q) conducting annual self-evaluations of all outcomes and activities, including consulting with interested families and advocacy organizations for children and adolescents.

''(3) A cost-assessment relating to the development and implementation of the State plan and a description of how the State will measure performance and outcomes across relevant agencies and service systems.

''(4) A timeline for achieving the objectives described in paragraph (2).

''(5) An outline for achieving the sustainability of the objectives described in paragraph (2).

''(d) APPLICATION OF OTHER REQUIREMENTS.—The authorities and duties of State mental health planning councils provided for under sections 1914 and 1915 with respect to State mental health block grant planning shall apply to the development and the implementation of the comprehensive State mental health plan.

''(e) PARTICIPATION AND IMPLEMENTATION.—

''(1) PARTICIPATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall ensure the participation of the State agency heads responsible for child and adolescent mental health, substance abuse, child welfare, medicaid, public health, developmental disabilities, social services, juvenile justice, housing, and education.

''(2) CONSULTATION.—In developing and implementing the comprehensive State mental health plan under a grant or cooperative agreement under this section, the State shall consult with—

''(A) the Federal interagency coordinating committee established under section 401 of the Child and Adolescent Mental Health Resiliency Act of 2007;

''(B) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles IV, V, and XIX of the Social Security Act, and the State's Children's Health Insurance Program under title XXI of the Social Security Act;

''(C) State mental health planning councils (described in section 1914);

''(D) national, State, and local advocacy organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

''(E) relevant national medical and other health professional and education specialty organizations;

''(F) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(G) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

''(H) families and friends of children and adolescents who have attempted or completed suicide;

''(I) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

''(J) third-party payers, managed care organizations, and related employer and commercial industries.

''(3) SIGNATURE.—The Governor of the State shall sign the comprehensive State mental health plan application and be responsible for overseeing the development and implementation of the plan.

''(f) SATISFACTION OF OTHER FEDERAL REQUIREMENTS.—A State may utilize the comprehensive State mental health plan that meets the requirements of this section to satisfy the planning requirements of other Federal mental health programs administered by the Secretary, including as the Community Mental Health Services Block Grant and the Children's Mental Health Services Program, so long as the requirements of such programs are satisfied through the plan.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 102. GRANTS CONCERNING EARLY INTERVENTION AND PREVENTION.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended by adding at the end the following:

''PART K—MISCELLANEOUS MENTAL HEALTH PROVISIONS

''SEC. 597. GRANTS FOR MENTAL HEALTH ASSESSMENT SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, community health centers that receive assistance under section 330 to enable such centers to provide child and adolescent mental health early intervention and prevention services to eligible children and adolescents, and to provide referral services to, or early intervention and prevention services in coordination with, community mental health centers and other appropriately trained providers of care.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a community health center that receives assistance under section 330;

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require;

''(3) provide assurances that the entity will have appropriately qualified behavioral health professional staff to ensure prompt treatment or triage for referral to a speciality agency or provider; and

''(4) provide assurances that the entity will encourage formal coordination with community mental health centers and other appropriate providers to ensure continuity of care.

''(c) IDENTIFICATION.—In providing services with amounts received under a grant or cooperative agreement under this section, an entity shall ensure that appropriate screening tools are used to identify at-risk children and adolescents who are eligible to receive care from a community health centers.

''(d) MATCHING REQUIREMENT.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597A. GRANTS FOR PRIMARY CARE AND MENTAL HEALTH EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to mental health programs for early intervention and prevention services to children and adolescents with, or who are at-risk of, mental health disorders and that are in primary care settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate child and adolescent mental health early intervention and prevention assessment services;

''(2) provide appropriate child and adolescent mental health treatment services;

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions for children and adolescents ; and

''(4) facilitate networking between primary care professionals, mental health professionals, and child care professionals for—

''(A) case management development;

''(B) professional mentoring; and

''(C) enhancing the provision of mental health services in schools.

''(d) MATCHING REQUIREMENTS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597B. GRANTS FOR MENTAL HEALTH AND PRIMARY CARE EARLY INTERVENTION AND PREVENTION SERVICES.

''(a) IN GENERAL.—The Secretary shall award 5-year matching grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, or private nonprofit organizations to enable such entities to provide assistance to primary care programs for children and adolescents with, or who are at-risk of, mental health disorders who are in mental health settings.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to—

''(1) provide appropriate primary health care services, including screening, routine treatment, monitoring, and referral for specialty treatment of medical or surgical conditions;

''(2) provide appropriate monitoring of medical conditions of children and adolescents receiving mental health services from the applicant and refer them, as needed, for specialty treatment of medical or surgical conditions; and

''(3) facilitate networking between primary care professionals, mental health professionals and child care professionals for—

''(A) case management development; and

''(B) professional mentoring.

''(d) MATCHING FUNDS.—With respect to the costs of the activities to be carried out by an entity under a grant or cooperative agreement under this section, an entity shall provide assurances that the entity will make available (directly or through donations from public or private entities) non-Federal contributions towards such costs in an amount that is not less than $1 for each $1 of Federal funds provided under the grant or cooperative agreement.

''SEC. 597C. AUTHORIZATION OF APPROPRIATIONS.

''There is authorized to be appropriated to carry out sections 597, 597A, and 597B, $45,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 103. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES IN SCHOOLS.

(a) EFFORTS OF SECRETARY TO IMPROVE THE MENTAL HEALTH OF STUDENTS.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall—

(1) encourage elementary and secondary schools and educational institutions to address mental health issues facing children and adolescents by—

(A) identifying children and adolescents with, or who are at-risk for, mental health disorders;

(B) providing or linking children and adolescents to appropriate mental health services and supports; and

(C) assisting families, including providing families with resources on mental health services for children and adolescents and a link to relevant local and national advocacy and support organizations;

(2) collaborate on expanding and fostering a mental health promotion and early intervention strategy with respect to children and adolescents that focuses on emotional well being and resiliency and fosters academic achievement;

(3) encourage elementary and secondary schools and educational institutions to use positive behavioral support procedures and functional behavioral assessments on a school-wide basis as an alternative to suspending or expelling children and adolescents with or who are at risk for mental health needs; and

(4) provide technical assistance to elementary and secondary schools and educational institutions to implement the provisions of paragraphs (1) through (3).

(b) GRANTS.—

(1) IN GENERAL.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall award

grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, private nonprofit organizations, elementary and secondary schools, and other educational institutions to provide directly or provide access to mental health services and case management of services in elementary and secondary schools and other educational settings.

(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, a private nonprofit organization, an elementary or secondary school, or an educational institution; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the entity will—

(i) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with mental health disorders;

(ii) provide directly or provide access to early intervention and prevention services in settings with an above average rate of children and adolescents with co-occurring mental health and substance abuse disorders; and

(iii) demonstrate a broad collaboration of parents, primary care professionals, school and mental health professionals, child care processionals including those in educational settings, legal guardians, and all relevant local agencies and organizations in the application for, and administration of, the grant or cooperative agreement.

(3) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this subsection to provide—

(A) mental health identification services;

(B) early intervention and prevention services to children and adolescents with or who are at-risk of mental health disorders; and

(C) mental health-related training to primary care professionals, school and mental health professionals, and child care professionals, including those in educational settings.

(c) COUNSELING AND BEHAVIORAL SUPPORT GUIDELINES.—The Secretary of Education, in collaboration with the Secretary of Health and Human Services, shall develop and issue guidelines to elementary and secondary schools and educational institutions that encourage such schools and institutions to provide counseling and positive behavioral supports, including referrals for needed early intervention and prevention services, treatment, and rehabilitation to children and adolescents who are disruptive or who use drugs and show signs or symptoms of mental health disorders. Such schools and institutions shall be encouraged to provide such services to children and adolescents in lieu of suspension, expulsion, or transfer to a juvenile justice system without any support referral services or system of care.

(d) STUDY.—

(1) IN GENERAL.—The Government Accountability Office shall conduct a study to assess the scientific validity of the Federal definition of a child or adolescent with an ''emotional disturbance'' as provided for in the regulations of the Department of Education under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and whether, as written, such definition now excludes children and adolescents inappropriately through a determination that those children and adolescents are ''socially maladjusted''.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Government Accountability Office shall submit to the appropriated committees of Congress a report concerning the results of the study conducted under paragraph (1).

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

(1) to supercede the provisions of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), including the requirement of prior parental consent for the disclosure of any education records; and

(2) to modify or affect the parental notification requirements for programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $22,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

SEC. 104. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES UNDER THE EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT SERVICES PROGRAM.

(a) NOTIFICATION.—The Secretary of Health and Human Services, acting through the Director of the Centers for Medicare and Medicaid Services, shall notify State Medicaid agencies of—

(1) obligations under section 1905(r) of the Social Security Act with respect to the identification of children and adolescents with mental health disorders and of the availability of validated mechanisms that aid pediatricians and other primary care professionals to incorporate such activities; and

(2) information on financing mechanisms that such agencies may use to reimburse primary care professionals, mental health professionals, and child care professionals who provide mental health services as authorized under such definition of early and period screening, diagnostic, and treatment services.

(b) REQUIREMENTS.—State Medicaid agencies who receive funds for early and period screening, diagnostic, and treatment services funding shall provide an annual report to the Secretary of Health and Human Services that—

(1) analyzes the rates of eligible children and adolescents who receive mental health identification services of the type described in subsection (a)(1) under the medicaid program in the State;

(2) analyzes the ways in which such agency has used financing mechanisms to reimburse primary care professionals, mental health professionals, and child care professionals who provide such mental health services;

(3) identifies State program rules and funding policies that may impede such agency from meeting fully the Federal requirements with respect to such services under the medicaid program; and

(4) makes recommendations on how to overcome the impediments identified under paragraph (3).

SEC. 105. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 511. ENHANCING MENTAL HEALTH SERVICES FOR AT-RISK MOTHERS AND THEIR CHILDREN.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, tribal organizations, public organizations, and private nonprofit organizations to provide appropriate mental health promotion and mental health services to at-risk mothers, grandmothers who are legal guardians, and their children.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, a public organization, or a private nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

''(1) provide mental health early intervention, prevention, and case management services;

''(2) provide mental health treatment services; and

''(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $20,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 106. ACTIVITIES CONCERNING INTERAGENCY CASE MANAGEMENT.

Part L of title V of the Public Health Service Act, as added by section 102, is amended by adding at the end the following:

"SEC. 597D. INTERAGENCY CASE MANAGEMENT.

''(a) IN GENERAL.—The Secretary shall establish a program to foster the ability of local case managers to work across the mental health, substance abuse, child welfare, education, and juvenile justice systems in a State. As part of such program, the Secretary shall develop a model system that—

''(1) establishes a training curriculum for primary care professionals, mental health professionals, school and child care professionals, and social workers who work as case managers;

''(2) establishes uniform standards for working in multiple service systems; and

''(3) establishes a cross-system case manager certification process.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 107. GRANTS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 106, is further amended by adding at the end the following:

"SEC. 597E. CONSUMER AND FAMILY CONTROL IN CHILD AND ADOLESCENT MENTAL HEALTH SERVICE DECISIONS.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, political subdivisions of States, consortium of political subdivisions, and tribal organizations for the development of policies and mechanisms that enable consumers and families to have increased control and choice over child and adolescent mental health services received through a publicly-funded mental health system.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a State, a political subdivision of a State, a consortia of political subdivisions, or a tribal organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to carry

out the activities described in subsection (a). Such activities may include—

''(1) the facilitation of mental health service planning meetings by consumer and family advocates, particularly peer advocates;

''(2) the development of consumer and family cooperatives; and

''(3) the facilitation of national networking between State political subdivisions and tribal organizations engaged in promoting increased consumer and family participation in decisions regarding mental health services for children and adolescents.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 108. GRANTS CONCERNING INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 107, is further amended by adding at the end the following:

''SEC. 597F. INCREASED INFORMATION ON CHILD AND ADOLESCENT MENTAL HEALTH SERVICES.

''(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, private nonprofit organizations to enable such organizations to provide information on child and adolescent mental health and services, consumer or parent-to-parent support services, respite care, and other relevant support services to—

''(1) parents and legal guardians of children or adolescents with or who are at risk for mental health disorders; and

''(2) families of adolescents with or who are at risk for mental health disorders.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 109. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 108, is further amended by adding at the end the following:

''SEC. 597G. ACTIVITIES CONCERNING PUBLIC EDUCATION OF CHILD AND ADOLESCENT MENTAL HEALTH DISORDERS AND SERVICES.

''(a) EDUCATIONAL CAMPAIGN.—The Secretary shall develop, coordinate, and implement an educational campaign to increase public understanding of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(b) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to, or enter into cooperative agreements with, public and private nonprofit organizations with qualified experience in public education to build community coalitions and increase public awareness of mental health promotion, child and adolescent emotional well-being and resiliency, and risk factors associated with mental health disorders in children and adolescents.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1), an entity shall—

''(A) be a public or private nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant or contract under this subsection shall be used to—

''(A) develop community coalitions to support the purposes of paragraph (1); and

''(B) develop and implement public education activities that compliment the activities described in subsection (a) and support the purposes of paragraph (1).

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 110. TECHNICAL ASSISTANCE CENTER CONCERNING TRAINING AND SECLUSION AND RESTRAINTS.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 109, is further amended by adding at the end the following:

''SEC. 597H. TECHNICAL ASSISTANCE CENTER CONCERNING SECLUSION AND RESTRAINTS.

''(a) SECLUSION AND RESTRAINTS.—Acting through the technical assistance center established under subsection (b), the Secretary shall—

''(1) develop and disseminate educational materials that encourage ending the use of seclusion and restraints in all facilities or programs in which a child or adolescent resides or receives care or services;

''(2) gather, analyze, and disseminate information on best or promising best practices that can minimize conflicts between parents, legal guardians, primary care professionals, mental health professionals, school and child care professionals to create a safe environment for children and adolescents with mental health disorders; and

''(3) provide training for primary professionals, mental health professionals, and school and child care professionals on effective techniques or practices that serve as alternatives to coercive control interventions, including techniques to reduce challenging, aggressive, and resistant behaviors, that require seclusion and restraints.

''(b) CONSULTATION.—In carrying out this section, the Secretary shall consult with—

''(1) local and national advocacy organizations that serve children and adolescents who may require the use of seclusion and restraints, and their families;

''(2) relevant national medical and other health and education specialty organizations; and

''(3) qualified professionals who possess the specialized knowledge, skills, experience, and relevant attributes needed to serve children and adolescents who may require the use of seclusion and restraints, and their families.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 111. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 110, is further amended by adding at the end the following:

''SEC. 597I. TECHNICAL ASSISTANCE CENTERS CONCERNING CONSUMER AND FAMILY PARTICIPATION.

''(a) GRANTS.—The Secretary shall award 5-year grants to, or enter into cooperative agreements with, private nonprofit organizations for the development and implementation of three technical assistance centers to support full consumer and family participation in decision-making about mental health services for children and adolescents.

''(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a) an entity shall—

''(1) be a private, nonprofit organization that demonstrates the ability to establish and maintain a technical assistance center described in this section; and

''(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(c) USE OF FUNDS.—An entity shall use amounts received under a grant or cooperative agreement under this section to establish a technical assistance center of the type referred to in subsection (a). Through such center, the entity shall—

''(1) collect and disseminate information on mental health disorders and risk factors for mental health disorders in children and adolescents;

''(2) collect and disseminate information on available resources for specific mental health disorders, including co-occurring mental health and substance abuse disorders;

''(3) disseminate information to help consumers and families engage in illness self management activities and access services and resources on mental health disorder self-management;

''(4) support the activities of self-help organizations;

''(5) support the training of peer specialists, family specialists, primary care professionals, mental health professionals, and child care professionals;

''(6) provide assistance to consumer and family-delivered service programs and resources in meeting their operational and programmatic needs; and

''(7) provide assistance to consumers and families that participate in mental health system advisory bodies, including state mental health planning councils.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 112. COMPREHENSIVE COMMUNITY MENTAL HEALTH SERVICES FOR CHILDREN AND ADOLESCENTS WITH SERIOUS EMOTIONAL DISTURBANCES.

Section 561 of the Public Health Service Act (42 U.S.C. 290ff) is amended—

(1) in subsection (b)(1)(A), by inserting before the semicolon the following: ''and provides assurances that the State will use grant funds in accordance with the comprehensive State mental health plan submitted under section 520B''; and

(2) in subsection (b), by adding at the end the following:

''(4) REVIEW OF POSSIBLE IMPEDIMENTS.—A State may use amounts received under a grant under this section to conduct an interagency review of State mental health program rules and funding policies that may impede the development of the comprehensive State mental health plan submitted under section 520B.''.

SEC. 113. COMMUNITY MENTAL HEALTH SERVICES PERFORMANCE PARTNERSHIP BLOCK GRANT.

Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(6) PERFORMANCE MEASURES.—The plan requires that performance measures be reported for adults and children separately.

''(7) OTHER MENTAL HEALTH SERVICES.—In addition to reporting on mental health services funded under a community mental

health services performance partnership block grant, States are encouraged to report on all mental health services provided by the State mental health agency.''.

SEC. 114. COMMUNITY MENTAL HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 1912(b) of the Public Health Service Act (42 U.S.C. 300x–2(b)) is amended by adding at the end the following:

''(8) CO-OCCURRING TREATMENT SERVICES.—The plan provides for a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse and services, for children and adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Substance Abuse Prevention Treatment Block Grant program under subpart II.''.

(b) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—Section 1915 of the Public Health Service Act (42 U.S.C. 300x–4) is amended by adding at the end the following:

''(c) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines for use by States that describe how amounts received under a grant under this subpart may be used to fund integrated treatment services for children and adolescents with mental health disorders and with co-occurring mental health and substance abuse disorders.

''(d) MODEL SERVICE SYSTEMS FORUM.—The Secretary, in consultation with the Attorney General, shall periodically convene forums to develop model service systems and promote awareness of the needs of children and adolescents with co-occurring mental health disorders and to facilitate the development of policies to meet those needs.''.

(c) SUBSTANCE ABUSE GRANTS.—Section 1928 of the Public Health Service Act (42 U.S.C. 300x–28) is amended by adding at the end the following:

''(e) CO-OCCURRING TREATMENT SERVICES.—A State may use amounts received under a grant under this subpart to provide a system of support for the provision of co-occurring treatment services, including early intervention and prevention, and integrated mental health and substance abuse services, for children and adolescents with co-occurring mental health and substance abuse disorders. Services shall be provided through the system under this paragraph in accordance with the Community Mental Health Services Block Grant program under subpart I.

''(f) GUIDELINES FOR INTEGRATED TREATMENT SERVICES.—The Secretary shall issue written policy guidelines, for use by States, that describe how amounts received under a grant under this section may be used to fund integrated treatment for children and adolescents with co-occurring substance abuse and mental health disorders, including the transitioning to adulthood.''.

SEC. 115. GRANTS FOR JAIL DIVERSION PROGRAMS.

Section 520G of the Public Health Service Act (42 U.S.C. 290bb–38)—

(1) in subsection (a), by striking ''up to 125'';

(2) in subsection (d)—

(A) in paragraph (3), by striking ''and'' at the end;

(B) in paragraph (4), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

''(5) provide appropriate community-based mental health and co-occurring mental illness and substance abuse services to children and adolescents determined to be at risk of contact with the law; and

''(6) provide for the inclusion of emergency mental health centers as part of jail diversion programs.''; and

(3) in subsection (h), by adding at the end the following: ''As part of such evaluations, the grantee shall evaluate the effectiveness of activities carried out under the grant and submit reports on such evaluations to the Secretary.''.

SEC. 116. ACTIVITIES CONCERNING MENTAL HEALTH SERVICES FOR JUVENILE JUSTICE POPULATIONS.

(a) GRANTS.—The Secretary shall award grants to, or enter into cooperative agreements with, States, tribal organizations, political subdivisions of States, consortia of political subdivisions, public organizations, and private nonprofit organizations to provide mental health promotions and mental health services to children and adolescents in juvenile justice systems.

(b) APPLICATION.—To be eligible to receive a grant or cooperative agreement under subsection (a), an entity shall—

(1) be a State, a tribal organization, a political subdivision of a State, a consortia of political subdivisions, a public organization, or a private nonprofit organization; and

(2) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(c) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this section shall be used to—

(1) provide mental health early intervention, prevention, and case management services;

(2) provide mental health treatment services; and

(3) provide monitoring and referral for specialty treatment of medical or surgical conditions.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

TITLE II—FEDERAL INTERAGENCY COLLABORATION AND RELATED ACTIVITIES

SEC. 201. INTERAGENCY COORDINATING COMMITTEE CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary''), in collaboration with the Federal officials described in subsection (b), shall establish an interagency coordinating committee (referred to in this section as the ''Committee'') to carry out the activities described in this section relating to the mental health of children and adolescents.

(b) FEDERAL OFFICIALS.—The Federal officials described in this subsection are the following:

(1) The Secretary of Education.

(2) The Attorney General.

(3) The Surgeon General.

(4) The Secretary of the Department of Defense.

(5) The Secretary of the Interior.

(6) The Commissioner of Social Security.

(7) Such other Federal officials as the Secretary determines to be appropriate.

(c) CHAIRPERSON.—The Secretary shall serve as the chairperson of the Committee.

(d) DUTIES.—The Committee shall be responsible for policy development across the Federal Government with respect to child and adolescent mental health.

(e) COLLABORATION AND CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall collaborate with the Committee (and the Committee shall collaborate with relevant Federal agencies and mental health working groups responsible for child and adolescent mental health).

(f) CONSULTATION.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary and the Committee shall consult with—

(1) State and local agencies, including agencies responsible for child and adolescent mental health care, early intervention and prevention services under titles V and XIX of the Social Security Act, and the State Children's Health Insurance Program under title XXI of the Social Security Act;

(2) State mental health planning councils (as described in section 1914);

(3) local and national organizations that serve children and adolescents with or who are at risk for mental health disorders and their families;

(4) relevant national medical and other health professional and education specialty organizations;

(5) children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(6) families and friends of children and adolescents with mental health disorders and children and adolescents who are currently receiving early intervention or prevention services;

(7) families and friends of children and adolescents who have attempted or completed suicide;

(8) qualified professionals who possess the specialized knowledge, skills, experience, training, or relevant attributes needed to serve children and adolescents with or who are at risk for mental health disorders and their families; and

(9) third-party payers, managed care organizations, and related employer and commercial industries.

(g) POLICY DEVELOPMENT.—In carrying out the activities described in this Act, and the amendments made by this Act, the Secretary shall—

(1) coordinate and collaborate on policy development at the Federal level with the Committee, relevant Department of Health and Human Services, Department of Education, and Department of Justice agencies, and child and adolescent mental health working groups; and

(2) consult on policy development at the Federal level with the private sector, including consumer, medical, mental health advocacy groups, and other health and education professional-based organizations, with respect to child and adolescent mental health early intervention and prevention services.

(h) REPORTS.—

(1) INITIAL REPORT.—Not later than 2 years after the date of enactment of this Act, the Committee shall submit to the appropriate committees of Congress a report that includes—

(A) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of current activities concerning the mental health of children and adolescents;

(B) the results of an evaluation to be conducted by the Committee to analyze the effectiveness and efficacy of the activities carried out under grants, cooperative agreements, collaborations, and consultations under this Act, the amendments made by this Act, and carried out by existing Federal agencies;

(C) the results of an evaluation to be conducted by the Committee to analyze identified problems and challenges, including—

(i) fragmented mental health service delivery systems for children and adolescents;

(ii) disparities between Federal agencies in mental health service eligibility requirements for children and adolescents;

(iii) disparities in regulatory policies of Federal agencies concerning child and adolescent mental health;

(iv) inflexibility of Federal finance systems to support evidence-based child and adolescent mental health;

(v) insufficient training of primary care professionals, mental health professionals, and child care professionals;

(vi) disparities and fragmentation of collection and dissemination of information concerning child and adolescent mental health services;

(vii) inability of State Medicaid agencies to meet Federal requirements concerning child and adolescent mental health under the early and period screening, diagnostics and treatment services requirements under the medicaid program under title XIX of the Social Security Act; and

(viii) fractured Federal interagency collaboration and consultation concerning child and adolescent mental health;

(D) the recommendations of the Secretary on models and methods with which to overcome the problems and challenges described in subparagraph (B).

(2) ANNUAL REPORT.—Not later than 1 year after the date on which the initial report is submitted under paragraph (1), an annually thereafter, the Committee shall submit to the appropriate committees of Congress a report concerning the results of updated evaluations and recommendations described in paragraph (1).

(i) FLEXIBLE JOINT-FUNDING PROGRAMS.—

(1) IN GENERAL.—In carrying out the activities described in subsection (h), Federal officials participating in the Committee may, notwithstanding any other law, enter into interagency agreements for the purposes of establishing flexible joint-funding programs, and each official may allocate discretionary funds appropriated to that agency to such flexible joint-funding programs.

(2) PROGRAM PURPOSES.—Flexible joint funding programs as described in paragraph (1) may include demonstration projects that address and eliminate the—

(A) fragmented mental health service delivery systems for children and adolescents;

(B) disparities between Federal agencies in mental health service eligibility requirements for children and adolescents;

(C) disparities in regulatory policies of Federal agencies concerning child and adolescent mental health;

(D) inflexibility of Federal finance systems to support evidence-based child and adolescent mental health;

(E) insufficient training of primary care professionals, mental health professionals, and child care professionals;

(F) disparities and fragmentation of collection and dissemination of information concerning child and adolescent mental health services; and

(G) inability of State Medicaid agencies to meet Federal requirements concerning child and adolescent mental health under the early and period screening, diagnostics, and treatment services requirements under the Medicaid program under title XIX of the Social Security Act.

(j) PERSONNEL MATTERS.—

(1) STAFF AND COMPENSATION.—Except as provided in paragraph (2), the Secretary may employ, and fix the compensation of an executive director and other personnel of the Committee without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(2) MAXIMUM RATE OF PAY.—The maximum rate of pay for the executive director and other personnel employed under paragraph (1) shall not exceed the rate payable for level IV of the Executive Schedule under section 5316 of title 5, United States Code.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

TITLE III—RESEARCH ACTIVITIES CONCERNING THE MENTAL HEALTH OF CHILDREN AND ADOLESCENTS

SEC. 301. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

Part K of title V of the Public Health Service Act, as added by section 102 and amended by section 111, is further amended by adding at the end the following:

"SEC. 597J. ACTIVITIES CONCERNING EVIDENCE-BASED OR PROMISING BEST PRACTICES.

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to, and enter into cooperative agreements with, States, political subdivisions of States, consortia of political subdivisions, tribal organizations, institutions of higher education, or private nonprofit organizations for the development of child and adolescent mental health services and support systems that address widespread and critical gaps in a needed continuum of mental health service-delivery with a specific focus on encouraging the implementation of evidence-based or promising best practices.

''(2) APPLICATION.—To be eligible to receive a grant or cooperative agreement under paragraph (1) an entity shall—

''(A) be a State, a political subdivision of a State, a consortia of political subdivisions, a tribal organization, an institution of higher education, or a private nonprofit organization; and

''(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

''(3) USE OF FUNDS.—Amounts received under a grant or cooperative agreement under this subsection shall be used to provide for the development and dissemination of mental health supports and services described in paragraph (1), including—

''(A) early intervention and prevention services, treatment and rehabilitation particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(B) referral services;

''(C) integrated treatment services, including family therapy, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(D) colocating primary care and mental health services in rural and urban areas;

''(E) mentoring and other support services;

''(F) transition services;

''(G) respite care for parents, legal guardians, and families; and

''(H) home-based care.

''(b) TECHNICAL ASSISTANCE CENTER.—The Secretary shall establish a technical assistance center to assist entities that receive a grant or cooperative agreement under subsection (a) in—

''(1) identifying widespread and critical gaps in a needed continuum of child and adolescent mental health service-delivery;

''(2) identifying and evaluating existing evidence-based or promising best practices with respect to child and adolescent mental health services and supports;

''(3) improving the child and adolescent mental health service-delivery system by implementing evidence-based or promising best practices;

''(4) training primary care professionals, mental health professionals, and child care professionals on evidence-based or promising best practices;

''(5) informing children and adolescents, parents, legal guardians, families, advocacy organizations, and other interested consumer organizations on such evidence-based or promising best practices; and

''(6) identifying financing structures to support the implementation of evidence-based or promising best practices and providing assistance on how to build appropriate financing structures to support those services.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 302. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

Part K of title V of the Public Health Service Act, as added by section 201 and amended by section 301, is further amended by adding at the end the following:

"SEC. 597K. FEDERAL RESEARCH CONCERNING ADOLESCENT MENTAL HEALTH.

''(a) BEST PRACTICES.—The Secretary shall provide for the conduct of research leading to the identification and evaluation of evidence-based or promising best practices, including—

''(1) early intervention and prevention mental health services and systems, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(2) mental health referral services;

''(3) integrated mental health treatment services, particularly for children and adolescents with co-occurring mental health and substance abuse disorders;

''(4) mentoring and other support services;

''(5) transition services; and

''(6) respite care for parents, legal guardians, and families of children and adolescents.

''(b) IDENTIFICATION OF EXISTING DISPARITIES.—The Secretary shall provide for the conduct of research leading to the identification of factors contributing to the existing disparities in children and adolescents mental health care in areas including—

''(1) evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services;

''(2) psychiatric and psychological epidemiology in racial and ethnic minority populations;

''(3) therapeutic interventions in racial and ethnic minority populations;

''(4) psychopharmacology;

''(5) mental health promotion and child and adolescent emotional well-being and resiliency;

''(6) lack of adequate service delivery systems in urban and rural regions; and

''(7) lack of adequate reimbursement rates for evidence-based early intervention and prevention, diagnosis, referral, treatment, and monitoring services.

''(c) PSYCHOTROPIC MEDICATIONS.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of psychotropic medications and SSRIs and other pyschotropic medications for children and adolescents.

''(d) TRAUMA.—The Secretary shall provide for the conduct of research leading to the identification of the long-term effects of trauma on the mental health of children and adolescents, including the effects of—

''(1) violent crime, particularly sexual abuse;

''(2) physical or medical trauma;

''(3) post-traumatic stress disorders; and

''(4) terrorism and natural disasters.

''(e) ACUTE CARE.—The Secretary shall provide for the conduct of research leading to

the identification of factors contributing to problems in acute care. Such research shall address—

''(1) synthesizing the acute care knowledge data base;

''(2) assessing existing capacities and shortages in acute care;

''(3) reviewing existing model programs that exist to ensure appropriate and effective acute care;

''(4) developing new models when appropriate; and

''(5) proposing workable solutions to enhance the delivery of acute care and crisis intervention services.

''(f) RECOVERY AND REHABILITATION.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance the recovery and rehabilitation of children and adolescents with mental health disorders.

''(g) CO-OCCURRING DISORDERS.—The Secretary shall provide for the conduct of research leading to the identification of methods and models to enhance services and supports for children and adolescents with co-occurring mental health and substance abuse and disorders.

''(h) COST OF UNTREATED MENTAL HEALTH DISORDERS.—The Secretary shall provide for the conduct of research assessing long-term financial costs of mental health disorders left untreated in children and adolescents.

''(i) RESEARCH COLLABORATION.—The Secretary shall provide for the conduct of research that reviews existing scientific literature on the relationship between mental and physical health, particularly identifying new methods and models to enhance the balance between mental and physical health in children and adolescents.

''(j) COLLABORATION.—In carrying out the activities under this section, the Secretary shall collaborate with the Federal interagency coordinating committee established under section 201 of the Child and Adolescent Mental Health Resiliency Act of 2007, and relevant Federal agencies and mental health working groups responsible for child and adolescent mental health.

''(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $12,500,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 221—SUPPORTING NATIONAL PERIPHERAL ARTERIAL DISEASE AWARENESS MONTH AND EFFORTS TO EDUCATE PEOPLE ABOUT PERIPHERAL ARTERIAL DISEASE

Mr. CRAPO (for himself and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 221

Whereas peripheral arterial disease is a vascular disease that occurs when narrowed arteries reduce blood flow to the limbs;

Whereas peripheral arterial disease is a significant vascular disease that can be as serious as a heart attack or stroke;

Whereas peripheral arterial disease affects approximately 8,000,000 to 12,000,000 Americans;

Whereas 1 in 5 patients with peripheral arterial disease will experience cardiovascular death, heart attack, stroke, or hospitalization within 1 year;

Whereas the survival rate for individuals with peripheral arterial disease is worse than the outcome for many common cancers;

Whereas peripheral arterial disease is a leading cause of lower limb amputation in the United States;

Whereas many patients with peripheral arterial disease have walking impairment that leads to a diminished quality of life and functional capacity;

Whereas a majority of patients with peripheral arterial disease are asymptomatic and less than half of individuals with peripheral arterial disease are aware of their diagnoses;

Whereas African-American ethnicity is a strong and independent risk factor for peripheral arterial disease, and yet this fact is not well known to those at risk;

Whereas effective treatments are available for people with peripheral arterial disease to reduce heart attacks, strokes, and amputations and to improve quality of life;

Whereas many patients with peripheral arterial disease are still untreated with proven therapies;

Whereas there is a need for comprehensive educational efforts designed to increase awareness of peripheral arterial disease among medical professionals and the greater public in order to promote early detection and proper treatment of this disease to improve quality of life, prevent heart attacks and strokes, and save lives and limbs; and

Whereas September 2007 is an appropriate month to observe National Peripheral Arterial Disease Awareness Month: Now, therefore, be it

Resolved, That the Senate—

(1) supports National Peripheral Arterial Disease Awareness Month and efforts to educate people about peripheral arterial disease;

(2) acknowledges the critical importance of peripheral arterial disease awareness to improve national cardiovascular health;

(3) supports raising awareness of the consequences of undiagnosed and untreated peripheral arterial disease and the need to seek appropriate care as a serious public health issue; and

(4) calls upon the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 222—SUPPORTING THE GOALS AND IDEALS OF PANCREATIC CANCER AWARENESS MONTH

Mrs. CLINTON (for herself and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 222

Whereas over 37,170 people will be diagnosed with pancreatic cancer this year in the United States;

Whereas pancreatic cancer is the 4th most common cause of cancer death in the United States;

Whereas 75 percent of pancreatic cancer patients die within the first year of their diagnosis and only 5 percent survive more than 5 years, making pancreatic cancer the deadliest of any cancer;

Whereas there has been no significant improvement in survival rates in the last 25 years and pancreatic cancer research is still in the earliest scientific stages;

Whereas there are no early detection methods and minimal treatment options for pancreatic cancer;

Whereas when symptoms of pancreatic cancer generally present themselves, it is too late for an optimistic prognosis, and the average survival rate of those diagnosed with metastasis of the disease is only 3 to 6 months;

Whereas the incidence rate of pancreatic cancer is 40 to 50 percent higher in African Americans than in other ethnic groups; and

Whereas it would be appropriate to observe November as Pancreatic Cancer Awareness Month to educate communities across the Nation about pancreatic cancer and the need for research funding, early detection methods, effective treatments, and treatment programs: Now, therefore, be it

Resolved, That the Senate supports the goals and ideals of Pancreatic Cancer Awareness Month.

Mrs. CLINTON. Mr. President, I rise today to introduce a resolution which supports the goals and ideals of Pancreatic Cancer Awareness Month. This resolution is an important step toward bringing the public awareness, funding for research, and congressional attention that is essential for addressing one of the most lethal cancers we face as a Nation.

I doubt that there is one person who hasn't lost a friend or family member to cancer, or knows someone who has. The American Cancer Society tells us that pancreatic cancer is the fourth leading cause of cancer death in the United States. The reality is that pancreatic cancer will take over 33,000 American lives this year, more than 2,330 in New York. And yet, there are no early detection methods and our best treatment is a surgical procedure that is more than 70 years old.

I believe that we can do better. This resolution encourages communities across the country to use the month of November to bring attention to what we have left to tackle. We need research dollars to create early detection methods, to find effective treatments, and to raise awareness about this deadly disease.

I am proud to introduce the Pancreatic Cancer Awareness Month resolution today, and I hope my colleagues will join me in supporting this critical health issue.

Mr. SMITH. Mr. President, I rise today in support of a resolution that recognizes November as National Pancreatic Cancer Awareness Month. I am pleased to be joining my colleague, Senator CLINTON, in introducing this resolution, which represents a way to educate communities across the Nation about pancreatic cancer and the need for increased research funding, early detection methods, and effective treatments and programs.

Like many Americans, I have seen the ramifications of cancer first hand. I support this resolution in honor and loving memory of the millions of Americans who have been diagnosed with pancreatic cancer and their families, and for my mother, Jessica Udall Smith, whom I lost to pancreatic cancer.

Pancreatic cancer is hard to detect in its early stages as it doesn't cause symptoms right away. Also, because the pancreas is hidden behind other organs, health care providers cannot see or feel the tumors during routine

exams. Because there are no early detection methods, pancreatic cancer often is found late and spreads quickly.

This year, more than 37,000 Americans will receive a diagnosis of pancreatic cancer and for over 33,000 of them, it will be their killer. While overall cancer death rates have declined, the number of people diagnosed with pancreatic cancer is actually increasing. It is projected that this year, 440 Oregonians will die from pancreatic cancer. That represents a 17-percent increase in pancreatic cancer deaths in Oregon over the last 3 to 4 years.

Individuals fighting pancreatic cancer continue to face discouragingly low odds of survival. In 1975, the 5 year survival rate for pancreatic cancer was 2 percent. Twenty-five years later, the survival rate remain at an unacceptably low level of 5 percent, making this cancer the fourth leading cause of cancer-related death. Indeed, pancreatic cancer is considered the deadliest cancer, of which 75 percent of patients diagnosed with this disease die within the first year and most within the first 3 to 6 months. Early detection tools, such as those that currently are available for ovarian, colon, breast and prostate cancer, would make a significant impact on pancreatic cancer, but those tools require a new investment in basic scientific research at the National Cancer Institute, NCI.

In recent years, funding for cancer research has fallen behind the promise made during the doubling of the budget for the National Institutes for Health, NIH. When NIH funding was first doubled, success rates for first submissions of grant requests to the NCI were 30 percent overall and 15 percent for new investigators. Those rates now have dropped to an average of 10 percent across the board. Unfortunately, we are anticipating cuts to other NCI programs that advance research, such as the Specialized Programs of Research Excellence program, which provides vital opportunities to explore new areas of research.

I support biomedical research and the great promise it holds in the development of new treatments and possible cures for the many types of cancer, including pancreatic cancer. Past investments at the NCI have helped drive new discoveries that led to the decline in overall cancer deaths in the U.S. for the second consecutive year. Now is the time to expand our efforts in the fight against pancreatic cancer.

I ask that my colleagues support this resolution, which will help increase research, education and awareness for pancreatic cancer.

SENATE RESOLUTION 223—RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF THE MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM UNDER THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE UNITED STATES ARMED FORCES DURING AND FOLLOWING WORLD WAR II WHO WERE RESPONSIBLE FOR THE PRESERVATION, PROTECTION, AND RESTITUTION OF ARTISTIC AND CULTURAL TREASURES IN COUNTRIES OCCUPIED BY THE ALLIED ARMIES

Mr. INHOFE (for himself, Mr. KENNEDY, Mrs. HUTCHISON, Mrs. BOXER, Ms. SNOWE, Mr. AKAKA, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. STEVENS, Mr. LIEBERMAN, and Mr. WYDEN) submitted the following resolution; which was:

S. RES. 223

Whereas the United States Government established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas in 1943 to promote and coordinate the protection and salvage of works of art and cultural and historical monuments and records in countries occupied by Allied armies during World War II;

Whereas the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas is also known as the Roberts Commission, in honor of its chairman, Supreme Court Justice Owen J. Roberts;

Whereas, in connection with the establishment of the Roberts Commission, the Monuments, Fine Arts, and Archives program (MFAA) was established under the Civil Affairs and Military Government Sections of the United States Armed Forces;

Whereas the establishment of the Roberts Commission and the MFAA provided an example for other countries, working in conjunction with the United States, to develop similar programs, and more than 100 foreign MFAA personnel, representing at least seventeen countries, contributed to this international effort;

Whereas the MFAA was comprised of both men and women, commissioned officers and civilians, who were appointed or volunteered to serve as representatives of the Roberts Commission and as the official guardians of some of the world's greatest artistic and cultural treasures;

Whereas members of the MFAA, called the ''Monuments Men'', often joined frontline military forces and some even lost their lives in combat during World War II;

Whereas, during World War II and for years following the Allied victory, members of the MFAA worked tirelessly to locate, identify, catalogue, restore, and repatriate priceless works of art and irreplaceable cultural artifacts, including masterpieces by Da Vinci, Michelangelo, Rembrandt, and Vermeer, that had been stolen or sequestered by the Axis powers;

Whereas the heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated, and set a moral precedent and established standards, practices, and procedures for the preservation, protection, and restitution of artistic and cultural treasures in future armed conflicts;

Whereas members of the MFAA went on to become renowned directors and curators of preeminent international cultural institutions, including the National Gallery of Art, the Metropolitan Museum of Art, the Museum of Modern Art, the Toledo Museum of Art, and the Nelson-Atkins Museum of Art, as well as professors at institutions of higher education, including Harvard University, Yale University, Princeton University, New York University, Williams College, and Columbia University;

Whereas other members of the MFAA were founders, presidents, and members of associations such as the New York City Ballet, the American Association of Museums, the American Association of Museum Directors, the Archaeological Institute of America, the Society of Architectural Historians, the American Society of Landscape Architects, the National Endowment for the Humanities, and the National Endowment for the Arts, as well as respected artists, architects, musicians, and archivists; and

Whereas members of the MFAA have never been collectively honored for their service and contributions to humanity, and they are deserving of the utmost acknowledgment, gratitude, and recognition, in particular the 12 known Monuments Men who are still alive: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II have made and continue to make possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

Mr. INHOFE. Mr. President, I rise today to introduce a resolution honoring the efforts and contributions of the members of the Monuments, Fine Arts, and Archives Program under the Civil Affairs and Military Government Sections of the U.S. Armed Forces during and following World War II. This group, known as the ''Monuments Men,'' was responsible for the preservation, protection, and restitution of priceless artistic, and cultural treasures in countries occupied by the Allied armies.

In 1938, the Nazi party in Germany began a wide-scale confiscation of millions of pieces of artwork and other cultural artifacts throughout continental Europe, including masterpieces by Leonardo Da Vinci, Michelangelo, and Rembrandt. Much of the art was confiscated from Nazi-conquered Europe, as well as from Jewish private collectors who were forced to relinquish their property rights.

In 1944, with the Allied armies rolling across Europe, the Monuments Men began their work. They were given the

charge of protecting the cultural treasures of Europe, which proved to be a daunting task, given that they, at times, had to protect these treasures from friend as well as foe. Their first task was to prevent Allied forces in the field from damaging national monuments and from damaging or looting public or private collections. In the spring of 1945, the Monuments Men began discovering large caches of Nazi-confiscated artwork and artifacts. They began the arduous process of cataloging and repatriating the artwork and artifacts to their rightful owners.

I would like to take this moment to recognize the efforts of a couple of my fellow Oklahomans who served as Monuments Men. CPT Walter Johan Huchthausen served as a Monuments, Fine Arts, and Archives officer with the U.S. 9th Army in Europe. Captain Huchthausen was born in Perry, OK on December 19, 1904. He earned a master of architecture degree from Harvard University in 1930 and went on to become the director of the Department of Design at the Boston Museum School of Fine Arts before joining the faculty at the University of Minnesota. Captain Huchthausen enlisted in 1942. He served as a Monuments Man in France and Germany before he was tragically killed by gunfire in April of 1945 while working to salvage an altarpiece in a German town.

Technical SGT Horace V. Apgar of Oklahoma City was transferred to the Monuments Men in Frankfurt in 1945, where he was involved in the retrieval and restitution of Jewish property. He was then assigned to the Rothschild home in Paris, which was being used as a depository for recovered Jewish artifacts stolen from synagogues and temples. Mr. Apgar returned home after the war and sought a career in music. He graduated from the Eastman School of Music at the University of Rochester in 1949 served as a bass teacher at the University of Oklahoma from 1951 to 1955. He went on to a 56-year career with the Oklahoma City Philharmonic Orchestra.

It is in large part due to the tireless efforts of Captain Huchthausen, Sergeant Apgar, and the many brave American men and women who served as Monuments Men that over 5 million works of art and other cultural treasures were protected and preserved following the collapse of the Nazi regime.

SENATE CONCURRENT RESOLUTION 35—DECLARING JUNE 6 A NATIONAL DAY OF PRAYER AND REDEDICATION FOR THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES AND THEIR MISSION

Mr. DEMINT submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. CON. RES. 35

Whereas public prayer and national days of prayer are a long-standing American tradition to bolster national resolve and summon the national will for victory;

Whereas the Continental Congress asked the colonies to pray for wisdom in forming a nation in 1775;

Whereas Benjamin Franklin proposed that the Constitutional Convention begin each day with a prayer;

Whereas General George Washington, as he prepared his troops for battle with the British in May 1776, ordered them to pray for the campaign ahead, that it would please the Almighty to ''prosper the arms of the united colonies'' and ''establish the peace and freedom of America upon a solid and lasting foundation'';

Whereas President Abraham Lincoln, in declaring in the Gettysburg Address that ''this nation, under God, shall have a new birth of freedom'', rededicated the Nation to ensuring that ''government of the people, by the people, for the people, shall not perish from the earth'';

Whereas, as 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944 (D-Day), President Franklin Delano Roosevelt went on the national radio to lead the Nation in prayer for their success;

Whereas, in his D-Day radio prayer, President Roosevelt did not declare a single day of special prayer, but instead compelled all Americans to ''devote themselves in a continuance of prayer'';

Whereas the words of President Roosevelt calling on all Americans to ''devote themselves in a continuance of prayer'' for American soldiers, sailors, airmen, and Marines in harm's way are just as appropriate today as they were in June 1944;

Whereas, with our troops once again facing danger abroad and the Nation looking for support here at home, the time is ripe to once again heed the words and prayerful wisdom contained in the D-Day radio address of the 20th century's greatest Democrat president as he implored the Nation: ''as we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts'';

Whereas more than 350,000 men and women of the United States Armed Forces are deployed worldwide today;

Whereas more than 200,000 of these troops are engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies;

Whereas more than 3,800 brave Americans have been killed, and over 26,000 have been wounded, while fighting the War on Terror;

Whereas, because the War on Terror will be long and hard, because success is not likely to come with rushing speed, and because the sacrifice will continue to be immeasurable in human terms, it is appropriate to make every anniversary of D-Day, June 6th, a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

Whereas the D-Day radio address of President Roosevelt is the inspiration and model for this annual national day of prayer and rededication: Now, therefore, be it

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

(1) every June 6 will hereafter be a national day of prayer and rededication for the men and women of the United States Armed Forces and their mission; and

(2) in encouraging our fellow Americans to join us in this national day of prayer and rededication for our troops and their mission, that the Senate and the House of Representatives will each designate one member to read aloud in the Senate and House chambers each June 6th, in its entirety, President Roosevelt's D-Day radio prayer, as follows:

''My Fellow Americans:

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.''.

Mr. DEMINT. Mr. President, I rise to speak on a resolution I have submitted today that declares June 6 a national

day of prayer and rededication for the men and women of the U.S. Armed Forces and their mission.

As my colleagues know, when 73,000 Americans stormed the beaches at Normandy, France, on June 6, 1944, President Franklin Roosevelt went on national radio to lead the Nation in prayer for their success.

With more than 350,000 men and women of the U.S. Armed Forces deployed worldwide today, and many of these troops directly engaged in armed combat in Iraq and Afghanistan against determined and ruthless enemies, President Roosevelt's words calling on all Americans to ''devote themselves to a continuance of prayer'' for American soldiers, sailors, airmen, and marines in harm's way are as appropriate today as they were in June of 1944.

As we have witnessed, the war on terror will be long and hard. Unfortunately, the sacrifice will continue to be immeasurable in human terms. It is appropriate to make every anniversary of D–day, June 6, a national day of prayer for the men and women of the U.S. Armed Forces.

Now I wish to read President Roosevelt's D–day radio prayer:

MY FELLOW AMERICANS

Last night, when I spoke with you about the fall of Rome, I knew at that moment that troops of the United States and our Allies were crossing the Channel in another and greater operation. It has come to pass with success thus far.

And so, in this poignant hour, I ask you to join with me in prayer:

Almighty God: Our sons, pride of our nation, this day have set upon a mighty endeavor, a struggle to preserve our Republic, our religion, and our civilization, and to set free a suffering humanity.

Lead them straight and true; give strength to their arms, stoutness to their hearts, steadfastness in their faith.

They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

They will be sore tried, by night and by day, without rest—until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

For these men are lately drawn from the ways of peace. They fight not for the lust of conquest. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas, whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

Many people have urged that I call the nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our armed forces.

And let our hearts be stout, to wait out the long travail, to bear sorrows that may come, to impart our courage unto our sons wheresoever they may be.

And, O Lord, give us faith. Give us faith in Thee; faith in our sons; faith in each other; faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment—let not these deter us in our unconquerable purpose.

With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogances. Lead us to the saving of our country, and with our sister nations into a world unity that will spell a sure peace—a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

Thy will be done, Almighty God.

Amen.

This same prayer will be read in the Chamber of the House of Representatives today, and I hope this Chamber will take up this resolution at some point and make June 6 a day of prayer for our Nation.

SENATE CONCURRENT RESOLUTION 36—SUPPORTING THE GOALS AND IDEALS OF NATIONAL TEEN DRIVER SAFETY WEEK

Mr. CASEY (for himself, Mr. SPECTER, Mr. DURBIN, and Mr. OBAMA) submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. CON RES. 36

Whereas motor vehicle crashes are the leading cause of death for adolescents and young adults in the United States, and many of these deaths are preventable;

Whereas almost 7,500 drivers between the ages of 15 and 20 years were involved in fatal crashes in 2005 throughout the United States;

Whereas the fatality rate in the United States for drivers between the ages of 16 and 19 years, based on miles driven, is 4 times the fatality rate for drivers between the ages of 25 and 69 years;

Whereas the majority of teen driver crashes in the United States are due to driver error and speeding, and 15 percent of the crashes are due to drunk driving;

Whereas roughly two-thirds of the teenagers killed in motor vehicle accidents in the United States each year do not use seatbelts;

Whereas approximately 63 percent of teen passenger deaths in the United States occur while other teenagers are driving;

Whereas it is necessary to explore effective ways to reduce the crash risk for young drivers by focusing research and outreach efforts on areas of teen driving that show the most promise for improving safety;

Whereas the National Teen Driver Survey, developed with input from teenagers and administered by The Children's Hospital of Philadelphia, demonstrates a national need to increase overall awareness about the safe use of electronic handheld devices, the risk of nighttime and fatigued driving, the importance of consistent seatbelt use, and the practice of gradually increasing driver privileges over time as a young driver gains more experience under supervised conditions;

Whereas in 2005, 1,553 crash fatalities involving a teen driver occurred in the fall, when teenagers are in the first months of the school year and faced with many decisions involving driving, including whether to drive with peer passengers and other distractions; and

Whereas designating the third week of October as National Teen Driver Safety Week is expected to increase awareness of these important issues among teenagers and adults in communities throughout the United States, as additional research is conducted to develop and test effective interventions that will help teenagers become safe drivers: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of National Teen Driver Safety Week; and

(2) encourages the people of the United States to observe the week with appropriate activities that promote the practice of safe driving among the Nation's licensed teenage drivers.

Mr. CASEY. Mr. President, I rise today to introduce, along with my colleagues, Senators SPECTER, DURBIN and OBAMA, a Senate concurrent resolution that will recognize a National Teen Driver Safety Week during the third week of October. This resolution will focus increased public attention and positive action upon the No. 1 cause of death of adolescents in our country—motor vehicle crashes. The fatality rate for drivers ages 16 to 19 is approximately four times that of drivers ages 25 to 69. In 2005, approximately 7,500 of our Nation's teenagers were involved as drivers in fatal car crashes.

According to data from the National Highway Traffic Safety Administration, 13 of 67 counties in Pennsylvania had six deaths or more in 2005 as a result of traffic accidents involving teens. In Lackawanna County alone, where I reside, there were 13 accidents among drivers ages 19 and under that resulted in death or an incapacitating injury.

It is essential that we focus a heightened degree of public attention and awareness upon this tragic—and preventable—crisis. A majority of teen driver crashes are due to driver error and speeding. We must provide more numerous and effective interventions that will help reduce accidents involving teen drivers.

We all know that learning to drive is an important rite of social passage and independence for teenagers. The Children's Hospital of Philadelphia, in partnership with the State Farm Insurance Companies, is conducting ongoing research on teen drivers and recently completed the National Young Driver Survey, questioning thousands of students across the country. The survey was designed to be representative of the 10.6 million public high school students in the United States. Thanks to this new data, we know more about what teens themselves think about driving and how we can more effectively instill safe driving habits.

I would like to mention three key findings from this survey:

1. The critical role of parents. As parents, we are often our children's first driving teachers. But our role does not end when our children get their licenses. Parents play a major role in setting and enforcing safe driving behavior, supervising their teen drivers, and ensuring that teens assume responsibility for driving, including financial responsibility.

2. The prevalence of risky distractions. With 80 percent of teen drivers reporting that they own cell phones, these technological advances pose a serious threat to our children's safety while driving. Nearly all—93 percent of—teens in the survey report that they witness distractions such as cell phone calls, loud music, other teens in the car, and their own emotions. Nearly half of all teens say they have witnessed road rage in fellow teen drivers.

3. The prevalence of risky driving behaviors. While 50 percent of teens report seeing other teens drive drunk, nearly three fourths of teens report seeing their peers drive while fatigued. Half of teens report driving 10 miles over the speed limit at least some of the time. Only 65 percent of teens say they consistently use seat belts.

This superb research from Children's Hospital will continue to provide us greater insight and strategies for reaching our young people.

Our resolution will designate the third week in October, when schools are back in session, as a time for intensive outreach and programming to encourage teens to drive more safely—to minimize risky driving conditions, to manage peer-to-peer interactions around driving, and to learn the skills they need to detect and react to hazards more appropriately.

As a member of the Senate, and as a father, I want to do everything in my power to ensure our children are safe on the road. Losing even one child to a preventable death is a tragedy beyond words. I urge my colleagues to support this resolution recognizing a National Teen Driver Safety Week.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1334. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table.

SA 1335. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1336. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1337. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1338. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1339. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1340. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1342. Mr. LEVIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1343. Mr. LEVIN (for himself, Mrs. CLINTON, Mr. TESTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1344. Mr. BYRD (for himself, Mr. GREGG, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1345. Mrs. DOLE (for herself, Mr. BURR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1346. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1347. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1348. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1349. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1350. Mr. SPECTER (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1351. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1353. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1355. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1360. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1361. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1362. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1363. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1364. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1365. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1366. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1369. Mr. GRASSLEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1370. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1371. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1372. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1373. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1374. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1375. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1376. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1377. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1378. Mr. ENSIGN (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1379. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1380. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1381. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1382. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1383. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1384. Mr. SALAZAR (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1385. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1386. Mr. LEAHY (for himself, Mr. SALAZAR, Mr. CARDIN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1387. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1388. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1389. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1390. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1392. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1393. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1394. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1395. Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1397. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1398. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1399. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1400. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1401. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1402. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1403. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1404. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1405. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1406. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1407. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1409. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1410. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1411. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1412. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1413. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1414. Mrs. LINCOLN (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1415. Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. ENSIGN, Mr. ALLARD, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1416. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1417. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1418. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1419. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1420. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1421. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1422. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1423. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1424. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1425. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1426. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1427. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1428. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1429. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1430. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1431. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1432. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1433. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1434. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1435. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1436. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1437. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1438. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1439. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1440. Mrs. HUTCHISON (for herself, Mr. CORKER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1441. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. OBAMA) submitted an amendment intended to be proposed by him

to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1442. Mr. MENENDEZ (for himself, Mr. DURBIN, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1443. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1444. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1445. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1446. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1447. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1449. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1450. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1451. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1452. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1453. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1454. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1455. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1456. Mrs. FEINSTEIN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1457. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1458. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1459. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1460. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra.

SA 1461. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1462. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1463. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1464. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1465. Mr. GRAHAM (for himself, Mr. KYL, Mr. MCCAIN, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1466. Mr. BIDEN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1467. Mr. SCHMUER submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1468. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1469. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1470. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1471. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1472. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1473. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1474. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, supra; which was ordered to lie on the table.

SA 1475. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1409 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) and intended to be proposed to the bill S. 1348, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 1334. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 218A of the Immigration and Nationality Act (as added by section 402(a)), add the following:

''(5) REQUIREMENT.—

''(A) IN GENERAL.—For each calendar year in which Y nonimmigrant visas are made available under this Act, the Secretary of Homeland Security, in consultation with the Secretary of Labor, shall reserve not less than 25 percent of the quantity of Y nonimmigrant visas available for the calendar year for use by business concerns, in accordance with this paragraph.

''(B) TIMELINE.—Of the Y nonimmigrant visas reserved under subparagraph (A), the Secretary shall ensure that—

''(i) for the period beginning on January 1 of the applicable calendar year and ending on June 30 of that calendar year, the visas are provided only to entities that qualify as small businesses under the Small Business Act (15 U.S.C. 631 et seq.) (including regulations promulgated pursuant to that Act); and

''(ii) for the period beginning on July 1 of the applicable calendar year and ending on December 31 of that calendar year, any remaining visas are provided to business concerns, regardless of whether the business concerns qualify as small businesses.''.

SA 1335. Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. INCREASE IN FEDERAL JUDGESHIPS IN DISTRICTS WITH LARGE NUMBERS OF CRIMINAL IMMIGRATION CASES.

(a) FINDINGS.—Based on the recommendations made by the 2007 Judicial Conference and the statistical data provided by the 2006 Federal Court Management Statistics (issued by the Administrative Office of the United States Courts), the Congress finds the following:

(1) Federal courts along the southwest border of the United States have a greater percentage of their criminal caseload affected by immigration cases than other Federal courts.

(2) The percentage of criminal immigration cases in most southwest border district courts totals more than 49 percent of the total criminal caseloads of those districts.

(3) The current number of judges authorized for those courts is inadequate to handle the current caseload.

(4) Such an increase in the caseload of criminal immigration filings requires a corresponding increase in the number of Federal judgeships.

(5) The 2007 Judicial Conference recommended the addition of judgeships to meet this growing burden.

(6) The Congress should authorize the additional district court judges necessary to carry out the 2007 recommendations of the Judicial Conference for district courts in which the criminal immigration filings represented more than 49 percent of all criminal filings for the 12-month period ending September 30, 2006.

(b) PURPOSE.—The purpose of this section is to increase the number of Federal judgeships, in accordance with the recommendations of the 2007 Judicial Conference, in district courts that have an extraordinarily high criminal immigration caseload.

(c) ADDITIONAL DISTRICT COURT JUDGESHIPS.—

(1) PERMANENT JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 4 additional district judges for the district of Arizona;

(ii) 1 additional district judge for the district of New Mexico;

(iii) 2 additional district judges for the southern district of Texas; and

(iv) 1 additional district judge for the western district of Texas.

(B) CONFORMING AMENDMENTS.—In order that the table contained in section 133(a) of

title 28, United States Code, reflect the number of additional judges authorized under paragraph (1), such table is amended—

(i) by striking the item relating to Arizona and inserting the following:

''Arizona ..... 16'';

(ii) by striking the item relating New Mexico and inserting the following:

''New Mexico ..... 7''; and

(iii) by striking the item relating to Texas and inserting the following:

''Texas:

Northern	12
Southern	21
Eastern	7
Western	14''.

(2) TEMPORARY JUDGESHIPS.—

(A) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(i) 1 additional district judge for the district of Arizona; and

(ii) 1 additional district judge for the district of New Mexico.

(B) VACANCY.—For each of the judicial districts named in this paragraph, the first vacancy arising on the district court 10 years or more after a judge is first confirmed to fill the temporary district judgeship created in that district by this paragraph shall not be filled.

(d) FUNDING.—To carry out this section, the Director of the Administrative Office of the United States Courts shall, for each of fiscal years 2008 through 2012, allocate $2,000,000 from the Administrative Office of the United States Courts Salary & Expenses (Administrative Expenses) account.

SA 1336. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 242, between lines 39 and 40, insert the following:

(e) DOCUMENTATION REQUIREMENT; PROHIBITION OF OUTPLACEMENT.—Section 212(n)(1) (8 U.S.C. 1182(n)), as amended by this section, is further amended—

(1) in subparagraph (A), by adding at the end the following:

''(iii) will provide to the H–1B nonimmigrant—

''(I) a copy of each application filed on behalf of the nonimmigrant under this section; and

''(II) documentation supporting each attestation, in accordance with regulations promulgated by the Secretary of Labor.''; and

(2) by adding at the end the following:

''(L) An H–1B nonimmigrant may not be stationed at the worksite of an employer other than the petitioning employer or its affiliate, subsidiary, or parent if the alien will be controlled and supervised principally by such unaffiliated employer or if the placement of the alien at the worksite of the affiliated employer is essentially an arrangement to provide labor for hire for the unaffiliated employer, rather than a placement in connection with the provision of a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(f) FRAUD ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Director of United States Citizenship and Immigration Services shall submit to Congress a fraud risk assessment of the H–1B visa program.

SA 1337. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. USE OF PRIVATE LAND BY BORDER PATROL.

(a) PURPOSE.—The purpose of this section is to encourage land owners to make land and water areas on their property available to agents of the Federal Government to enforce the immigration laws of the United States by limiting the liability of land owners toward persons entering their property for such purposes.

(b) DEFINITIONS.—In this section:

(1) LAND.—The term ''land'' includes roads, water, watercourses, and private ways, and buildings, structures, machinery and equipment that is attached to real property.

(2) OWNER.—The term ''owner'' includes the possessor of a fee interest, a tenant, lessee, occupant, the possessor of any other interest in land, or any person having a right to grant permission to use the land.

(c) POWERS OF IMMIGRATION OFFICERS AND EMPLOYEES.—Section 287(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(3)) is amended by striking ''twenty-five miles'' and inserting ''100 miles''.

(d) LIABILITY LIMITED FOR ACTIONS OF LAW ENFORCEMENT OFFICERS.—

(1) IN GENERAL.—Except as provided in paragraph (2), an owner of land shall not liable for damages arising from an act or omission of an officer of the Federal Government, or any State or Federal law enforcement officer, who enters the owner's property with or without the permission of the owner.

(2) EXCEPTION.—Paragraph (1) shall not apply to any act or omission of the owner of land that results in damages if the act or omission is not attributable to a law enforcement officer.

SA 1338. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, to provider for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike page 10, line 32 through page 11, line 11 and insert the following:

''Section 236(a)(2) (8 USC 1226(a)(2)) is amended—

(1) by adding '', and'' at the end of subsection (a)(3), and

(2) by adding a new subsection (a)(4) that reads ''may not provide the alien with release on bond or with conditional parole if the alien is a national of a noncontiguous country, has not been admitted or paroled into the United States, and was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the secretary of Homeland Security.''

SA 1339. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

SA 1340. Mr. BROWN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 167, after line 2, insert the following:

''(E) documenting that for a period of not less than 90 days before the date an application is filed under subsection (a)(1), and for a period of 1 year after the date that such application is filed, every comparable job opportunity (including those in the same occupation for which an application for a Y-1 worker is made, and all other job opportunities for which comparable education, training, or experience are required), that becomes available at the employer is posted to the designated State employment service agency, including a description of the wages and other terms and conditions of employment and the minimum education, training, experience and other requirements of the job, and the designated State agency has been authorized—

''(i) to post all such job opportunities on the Internet website established under section 414 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, with local job banks, and with unemployment agencies and other referral and recruitment sources pertinent to the job involved; and

''(ii) to notify labor organizations in the State in which the job is located and, if applicable, the office of the local union which represents the employees in the same or substantially equivalent job classification of the job opportunity.

The failure of an employer to document compliance with subparagraph (E) shall result in the employer's ineligibility to make a subsequent application under subsection (a)(1) during the 1-year period following the initial application. The Secretary of Labor shall routinely publicize the requirement under subparagraph (E) in communications with employers, and encourage State agencies to do so as well, to help employers become aware of and comply with such requirement in a timely manner.''.

SA 1341. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 66, between lines 9 and 10, insert the following:

(3) CHANGED COUNTRY CONDITIONS.—Section 208(b) (8 U.S.C. 1158(b)) is amended by adding at the end the following:

''(4) CHANGED COUNTRY CONDITIONS.—The Attorney General shall accept and grant a motion filed not later than 6 months after the date of the enactment of this paragraph for a rehearing before an immigration judge for an application for asylum or withholding of removal if the alien—

''(A) is a religious minority from Iraq or an ethnic Albanian who fled Albania or the former Yugoslavia (Kosovo, Montenegro, and Macedonia) whose claim was denied by an immigration judge in whole or in part on the basis of changed country conditions on or after March 1, 2003; and

''(B) remained in the United States as of the date of the enactment of this paragraph.''.

SA 1342. Mr. LEVIN (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 173, line 38, insert ''In this paragraph, the county unemployment rate shall be determined, for seasonal businesses, during the period in the preceding year when the Y nonimmigrant would have been employed.'' after ''7 percent.''.

SA 1343. Mr. LEVIN (for himself, Mrs. CLINTON, Mr. TESTER, and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, between lines 5 and 6, strike insert the following:

(c) SENSE OF CONGRESS.—It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase by 1,722 the number of full time border patrol agents, immigration inspectors, and customs inspectors at the northern border pursuant to authorizations under—

(1) section 402 of the USA PATRIOT Act of 2002 (Public Law 107–56);

(2) section 331 of the Trade Act of 2002 (Public Law 107–210); and

(3) section 5202 of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458), as amended by subsection (b) of this section.

SA 1344. Mr. BYRD (for himself, Mr. GREGG, and Mr. COCHRAN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, insert the following:

SEC. ___. SUPPLEMENTAL IMMIGRATION FEE.

(a) AUTHORIZATION OF FEE.—

(1) IN GENERAL.—Subject to paragraph (2), any alien who receives any immigration benefit under this title, or the amendments made by this title, shall, before receiving such benefit, pay a fee to the Secretary in an amount equal to $500, in addition to other applicable fees and penalties imposed under this title, or the amendments made by this title.

(2) FEES CONTINGENT ON APPROPRIATIONS.—No fee may be collected under this section except to the extent that the expenditure of the fee to pay the costs of activities and services for which the fee is imposed, as described in subsection (b), is provided for in advance in an appropriations Act.

(b) DEPOSIT AND EXPENDITURE OF FEES.—

(1) DEPOSIT.—Amounts collected under subsection (a) shall be deposited as an offsetting collection in, and credited to, the accounts providing appropriations—

(A) to carry out the apprehension and detention of any alien who is inadmissible by reason of any offense described in section 212(a) of the Immigration and Nationality Act;

(B) to carry out the apprehension and detention of any alien who is deportable for any offense under section 237(a) of such Act;

(C) to acquire border sensor and surveillance technology;

(D) for air and marine interdiction, operations, maintenance, and procurement;

(E) for construction projects in support of the United States Customs and Border Protection;

(F) to train Federal law enforcement personnel; and

(G) for employment eligibility verification.

(2) AVAILABILITY OF FEES.—Amounts deposited under paragraph (1) shall remain available until expended for the activities and services described in paragraph (1).

SA 1345. Mrs. DOLE (for herself, Mr. BURR, and Mr. GRASSLEY) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, between lines 19 and 20, insert the following:

(s) DEFINITION OF AGGRAVATED FELONY AND ADDITIONAL GROUNDS FOR INELIGIBILITY FOR Z NONIMMIGRANT STATUS.—

(1) AGGRAVATED FELONY.—Section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)) is amended—

(A) by striking ''and'' at the end of subparagraph (T);

(B) by striking the period at the end of subparagraph (U) and inserting ''; and'' and

(C) by adding at the end the following:

''(V) a second conviction for drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.''.

(2) GROUNDS FOR INELIGIBILITY.—In addition to the grounds of ineligibility described in subsection (d)(1)(F), an alien shall be ineligible for Z nonimmigrant status if the alien has been convicted of drunk driving, regardless of the State in which the conviction occurred or whether the offense is classified as a misdemeanor or a felony under State law.

SA 1346. Mr. MARTINEZ submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. INTERNATIONAL REGISTERED TRAVELER PROGRAM.

Section 7208(k)(3) of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b(k)(3)) is amended to read as follows:

''(3) INTERNATIONAL REGISTERED TRAVELER PROGRAM.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall establish an international registered traveler program that incorporates available technologies, such as biometrics and e-passports, and security threat assessments to expedite the screening and processing of international travelers, including United States Citizens and residents, who enter and exit the United States. The program shall be coordinated with the US-VISIT program, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security.

''(B) FEES.—The Secretary may impose a fee for the program established under subparagraph (A) and may modify such fee from time to time. The fee may not exceed the aggregate costs associated with the program and shall be credited to the Department of Homeland Security for purposes of carrying out the international registered traveler program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 180 days after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 1 year after the date of enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, the Secretary shall establish a phased-implementation of a biometric-based international registered traveler program in conjunction with the US-VISIT entry and exit system, other pre-screening initiatives, and the Visa Waiver Program within the Department of Homeland Security at United States airports with the highest volume of international travelers.

''(E) PARTICIPATION.—The Secretary shall ensure that the international registered traveler program includes as many participants as practicable by—

''(i) establishing a reasonable cost of enrollment;

''(ii) making program enrollment convenient and easily accessible; and

''(iii) providing applicants with clear and consistent eligibility guidelines.

''(F) TECHNOLOGIES.—The Secretary shall coordinate with the Secretary of State to define a schedule for their respective departments for the deployment of appropriate technologies to begin capturing applicable and sufficient biometrics from visa applicants and individuals seeking admission to the United States, if such visa applicant or individual has not previously provided such information, at each consular location and port of entry. The Secretary of Homeland Security shall also coordinate with the Secretary of State regarding the feasibility of allowing visa applicants or individuals to enroll in the International Registered Traveler program at consular offices.''.

SA 1347. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ESTABLISHMENT OF AN ADDITIONAL UNITED STATES ATTORNEY OFFICE AND AN ADDITIONAL IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.

(a) ESTABLISHMENT OF A SATELLITE UNITED STATES ATTORNEY OFFICE IN ST. GEORGE, UTAH.—The Attorney General, acting through the United States Attorney for the District of Utah, shall establish a satellite office under the jurisdiction of the United States Attorney for the District of Utah in St. George, Utah. One of the primary functions of the satellite office shall be to prosecute and deter criminal activities commonly involving illegal immigrants.

(b) IMMIGRATION AND CUSTOMS ENFORCEMENT OFFICE.—

(1) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, shall establish an office under the jurisdiction of the Assistant Secretary within the vicinity of the intersection U.S. Highway 191 and U.S. Highway 491 to reduce the flow of illegal immigrants into the interior of the United States.

(2) STAFFING.—The office established under paragraph (1) shall be staffed by 5 full-time employees, of whom—

(A) 3 shall work for the Office of Investigations; and

(B) 2 shall work for the Office of Detention and Removal Operations.

(3) OTHER RESOURCES.—The Assistant Secretary shall provide the office established

under paragraph (1) with the resources necessary to accomplish the purposes of this subsection, including office space, detention beds, and vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) $1,100,000 for fiscal year 2008; and

(B) such sums as may be necessary for each of the fiscal years 2009 through 2012.

SA 1348. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and insert the following:

(e) ADDITIONAL CONSULTATION.—Notwithstanding subsection (a), the certification by the Secretary of Homeland Security under subsection (a) shall be prepared in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

TITLE I—BORDER ENFORCEMENT

SA 1349. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike line 1 and insert the following:

(e) ADDITIONAL CONSULTATION.—Notwithstanding subsection (a), the certification by the Secretary of Homeland Security under subsection (a) shall be prepared—

(1) based on analysis by the Comptroller General; and

(2) in consultation with the Comptroller General, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

TITLE I—BORDER ENFORCEMENT

SA 1350. Mr. SPECTER (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—BOARD OF IMMIGRATION APPEALS AND IMMIGRATION JUDGES

SEC. ____01. BOARD OF IMMIGRATION APPEALS.

(a) COMPOSITION AND APPOINTMENT.—Notwithstanding any other provision of law, the Board of Immigration Appeals of the Department of Justice (referred to in this title as the ''Board''), shall be composed of a Chair and 22 other immigration appeals judges, who shall be appointed by the Attorney General. Upon the expiration of a term of office, a Board member may continue to act until a successor has been appointed and qualified.

(b) QUALIFICATIONS.—Each member of the Board, including the Chair, shall—

(1) be an attorney in good standing of a bar of a State or the District of Columbia;

(2) have at least—

(A) 7 years of professional, legal expertise; or

(B) 5 years of professional, legal expertise in immigration and nationality law; and

(3) meet the minimum appointment requirements of an administrative law judge under title 5, United States Code.

(c) DUTIES OF THE CHAIR.—The Chair of the Board, subject to the supervision of the Director of the Executive Office for Immigration Review, shall—

(1) be responsible, on behalf of the Board, for the administrative operations of the Board and shall have the power to appoint such administrative assistants, attorneys, clerks, and other personnel as may be needed for that purpose;

(2) direct, supervise, and establish internal operating procedures and policies of the Board;

(3) designate a member of the Board to act as Chair if the Chair is absent or unavailable;

(4) adjudicate cases as a member of the Board;

(5) form 3-member panels as provided by subsection (g);

(6) direct that a case be heard en banc as provided by subsection (h); and

(7) exercise such other authorities as the Director may provide.

(d) BOARD MEMBER DUTIES.—In deciding a case before the Board, the Board—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with the authority provided in this section and any regulations established in accordance with this section.

(e) JURISDICTION.—

(1) IN GENERAL.—The Board shall have jurisdiction to hear appeals described in section 1003.1(b) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(2) LIMITATION.—The Board shall not have jurisdiction to hear an appeal of a decision of an immigration judge for an order of removal entered in absentia.

(f) SCOPE OF REVIEW.—

(1) FINDINGS OF FACT.—The Board shall—

(A) accept findings of fact determined by an immigration judge, including findings as to the credibility of testimony, unless the findings are clearly erroneous; and

(B) give due deference to an immigration judge's application of the law to the facts.

(2) QUESTIONS OF LAW.—The Board shall review de novo questions of law, discretion, and judgment, and all other issues in appeals from decisions of immigration judges.

(3) APPEALS FROM OFFICER'S DECISIONS.—

(A) STANDARDS OF REVIEW.—The Board shall review de novo all questions arising in appeals from decisions issued by officers of the Department.

(B) PROHIBITION OF FACT FINDING.—Except for taking administrative notice of commonly known facts such as current events or the contents of official documents, the Board may not engage in fact-finding in the course of deciding appeals.

(C) REMAND.—A party asserting that the Board cannot properly resolve an appeal without further fact-finding shall file a motion for remand. If further fact-finding is needed in a case, the Board shall remand the proceeding to the immigration judge or, as appropriate, to the Secretary.

(g) PANELS.—

(1) IN GENERAL.—Except as provided in paragraph (5) all cases shall be subject to review by a 3-member panel. The Chair shall divide the Board into 3-member panels and designate a presiding member.

(2) AUTHORITY.—Each panel may exercise the appropriate authority of the Board that is necessary for the adjudication of cases before the Board.

(3) QUORUM.—Two members appointed to a panel shall constitute a quorum for such panel.

(4) CHANGES IN COMPOSITION.—The Chair may from time to time make changes in the composition of a panel and of the presiding member of a panel.

(5) PRESIDING MEMBER DECISIONS.—The presiding member of a panel may act alone on any motion as provided in paragraphs (2) and (3) of subsection (i) and may not otherwise dismiss or determine an appeal as a single Board member.

(h) EN BANC PROCESS.—

(1) IN GENERAL.—The Board may on its own motion, by a majority vote of the Board members, or by direction of the Chair—

(A) consider any case as the full Board en banc; or

(B) reconsider as the full Board en banc any case that has been considered or decided by a 3-member panel or by a limited en banc panel.

(2) QUORUM.—A majority of the Board members shall constitute a quorum of the Board sitting en banc.

(i) DECISIONS OF THE BOARD.—

(1) AFFIRMANCE WITHOUT OPINION.—Upon individualized review of a case, the Board may affirm the decision of an immigration judge without opinion only if—

(A) the decision of the immigration judge resolved all issues in the case;

(B) the issue on appeal is squarely controlled by existing Board or Federal court precedent and does not involve the application of precedent to a novel fact situation;

(C) the factual and legal questions raised on appeal are so insubstantial that the case does not warrant the issuance of a written opinion in the case; and

(D) the Board approves both the result reached in the decision below and all of the reasoning of that decision.

(2) SUMMARY DISMISSAL OF APPEALS.—The 3-member panel or the presiding member acting alone may summarily dismiss any appeal or portion of any appeal in any case which—

(A) the party seeking the appeal fails to specify the reasons for the appeal;

(B) the only reason for the appeal specified by such party involves a finding of fact or a conclusion of law that was conceded by that party at a prior proceeding;

(C) the appeal is from an order that granted such party the relief that had been requested;

(D) the appeal is determined to be filed for an improper purpose, such as to cause unnecessary delay; or

(E) the appeal lacks an arguable basis in fact or in law and is not supported by a good faith argument for extension, modification, or reversal of existing law.

(3) UNOPPOSED DISPOSITIONS.—The 3-member panel or the presiding member acting alone may—

(A) grant an unopposed motion or a motion to withdraw an appeal pending before the Board; or

(B) adjudicate a motion to remand any appeal—

(i) from the decision of an officer of the Department if the appropriate official of the Department requests that the matter be remanded back for further consideration;

(ii) if remand is required because of a defective or missing transcript; or

(iii) if remand is required for any other procedural or ministerial issue.

(4) NOTICE OF RIGHT TO APPEAL.—The decision by the Board shall include notice to the alien of the alien's right to file a petition for review in a United States Court of Appeals

not later than 30 days after the date of the decision.

SEC. ___02. IMMIGRATION JUDGES.

(a) APPOINTMENT OF IMMIGRATION JUDGES.—

(1) IN GENERAL.—The Chief Immigration Judge (as described in section 1003.9 of title 8, Code of Federal Regulations, or any corresponding similar regulation) and other immigration judges shall be appointed by the Attorney General. Upon the expiration of a term of office, the immigration judge may continue to act until a successor has been appointed and qualified.

(2) QUALIFICATIONS.—Each immigration judge, including the Chief Immigration Judge, shall be an attorney in good standing of a bar of a State or the District of Columbia and shall have at least 5 years of professional, legal expertise or at least 3 years professional or legal expertise in immigration and nationality law.

(b) JURISDICTION.—An Immigration judge shall have the authority to hear matters related to any removal proceeding pursuant to section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a) described in section 1240.1(a) of title 8, Code of Federal Regulations (or any corresponding similar regulation).

(c) DUTIES OF IMMIGRATION JUDGES.—In deciding a case, an immigration judge—

(1) shall exercise independent judgment and discretion; and

(2) may take any action that is appropriate and necessary for the disposition of such case that is consistent with their authorities under this section and regulations established in accordance with this section.

(d) REVIEW.—Decisions of immigration judges are subject to review by the Board of Immigration Appeals in any case in which the Board has jurisdiction.

SEC. ___03. REMOVAL AND REVIEW OF JUDGES.

No immigration judge or member of the Board may be removed or otherwise subject to disciplinary or adverse action for their exercise of independent judgment and discretion as prescribed by this title.

SEC. ___04. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations to implement this title.

SEC. ___05. SENIOR JUDGE PARTICIPATION.

(a) IN GENERAL.—Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: ''However, a judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, shall have all the powers of a judge of that court, including participation in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.''.

(b) SENIOR JUDGES.—Section 631(a) of title 28, United States Code, is amended by striking ''Northern Mariana Islands'' the first place it appears and inserting ''Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)''.

SA 1351. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 277, line 25, strike ''$1,000'' and insert ''$2,500''.

SA 1352. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 286, beginning on line 4, strike all through line 10, and insert the following:

(iii) for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest, the Secretary may, in the Secretary's discretion, waive the application of paragraphs (1)(C), (2)(D)(i) (when the alien demonstrates that such actions or activities were committed involuntarily), (5)(A), (6)(A) (with respect to entries occurring before January 1, 2007), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act; and

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SA 1353. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 274, beginning on line 8, strike ''or the beneficiary that cannot be relieved by temporary visits as a nonimmigrant''.

SA 1354. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 100, line 24, strike ''may'' and insert ''shall''.

SA 1355. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 269, line 18, strike ''child or''.

SA 1356. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 89, line 33, insert ''documents described in section 218A(m) of the Immigration and Nationality Act, as added by section 402 of this Act, and 601(j) of this Act,'' after ''permanent resident card,''

SA 1357. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 154, strike line 23 and all that follows through page 155, line 8, and insert the following:

''(2) EXCEPTION.—The Secretary of Homeland Security may waive the termination of the period of authorized admission of an alien who is a Y nonimmigrant for unemployment under paragraph (1)(D) if the alien submits to the Secretary an attestation under penalty of perjury in a form prescribed by the Secretary, with supporting documentation, that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall depart the United States immediately.

''(k) REGISTRATION OF DEPARTURE.—

''(1) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure in a manner to be prescribed by the Secretary of Homeland Security.

''(2) EFFECT OF FAILURE TO DEPART.—In the event an alien described in paragraph (1) fails to depart the United States or to register such departure as required by subsection (j)(3), the Secretary of Homeland Security shall take immediate action to determine the location of the alien and, if the alien is located in the United States, to remove the alien from the United States.

''(3) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in paragraph (1) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates.''.

SA 1358. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 262, strike line 34 and all that follows through page 264, line 24, and insert the following:

''(A) The merit-based evaluation system shall consist of the following criteria and weights:

Category	Description	Maximum points
''Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)—**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)—**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or (2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm—**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39—**3 pts**	

Category	Description	Maximum points
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.—**20 pts** Bachelor's Degree—**16 pts** Associate's Degree—**10 pts** High school diploma or GED—**6 pts** Completed certified Perkins Vocational Education program—**5 pts** Completed Department of Labor Registered Apprenticeship—**8 pts** STEM, associates and above—**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher—**15 pts** TOEFL score of 60–74—**10 pts** Pass USCIS Citizenship Tests in English & Civics—**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen—**8 pts** Adult (21 or older) son or daughter of a legal permanent resident—**6 pts** Sibling of United States citizen or LPR—**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005—**2 pts**	**10**
"Total Supplemental schedule for Zs		**100**
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts** Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts** Worked in agriculture for 5 years, 100 days per year–**25 pts**	**25**
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets, established pursuant to section 412 of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, shall submit recommendations to Congress to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.''.

SA 1359. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 246, between lines 15 and 16, at the following:

''(G) As used in this section, all references to Test of English as a Foreign Language (TOEFL) scores are based on the TOEFL internet-based test scoring scale of 0–120. Applicants using a TOEFL computer-based test or paper-based test, both of which have different scoring scales, must achieve comparable test scores as follows:

''(i) To be awarded 10 points on the merit-based evaluation system, an applicant must achieve a TOEFL internet-based test score of 60 to 74, a TOEFL computer-based test score of 170 to 203, or a TOEFL paper-based test score of 497 to 537.

''(ii) To be awarded 15 points on the merit-based evaluation system, an applicant must achieve a TOEFL internet-based test score of 75 or higher, a TOEFL computer-based test score greater than 203, or a TOEFL paper-based test score greater than 537.''.

SA 1360. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (f) of section 218A of the Immigration and Nationality Act, as added by section 402.

SA 1361. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 4, strike lines 12 through 26, and insert the following:

(2) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(A) SMUGGLING PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(B) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—

(i) IN GENERAL.—In each of the fiscal years 2008 through 2011, the Secretary of Homeland Security shall increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in the United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States, to investigate immigration fraud, and to enforce workplace violations.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subparagraph.

(C) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

On page 140, beginning on line 4, strike ''In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500'' and insert the following: ''In each of the two years beginning on the date of the enactment of this Act, the appropriations necessary to hire not less than 2500 a year''.

SA 1362. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 310, line 27, insert ''within 2 years of the date of such denial, termination, or rescission of status, and only'' after ''only''.

SA 1363. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ACCESS TO IMMIGRATION SERVICES IN AREAS THAT ARE NOT ACCESSIBLE BY ROAD.

Notwithstanding any other provision of law, the Secretary shall permit an employee of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement who carries out the functions of U.S. Customs and Border Protection or U.S. Immigration and Customs Enforcement in a geographic area that is not accessible by road to carry out any function that was performed by an employee of the Immigration and Naturalization Service in such area prior to the date of the enactment of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

SA 1364. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ESTABLISHMENT OF A CITIZENSHIP AND IMMIGRATION SERVICES OFFICE IN FAIRBANKS, ALASKA.

(a) IN GENERAL.—The Secretary, acting through the Director for United States Citizenship and Immigration Services, shall establish an office under the jurisdiction of the Director in Fairbanks, Alaska, to provide citizenship and immigration services.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each fiscal such sums as may be necessary to carry out this section.

SA 1365. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) AGREEMENT OF BORDER GOVERNORS.—The programs described in subsection (a) shall not become effective until at least 3 of the 4 governors of the States that share a land border with Mexico agree that the border security and other measures described in subsection (a) are established, funded, and operational.

(f) DEFINED TERM.—In this section, the term ''operational control'' means the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband.

SA 1366. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform

and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. GOVERNMENT ACCOUNTABILITY OFFICE STUDY ON ENGLISH PROFICIENCY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on—

(1) the needs of citizens and lawful permanent residents of the United States whose native language is not English to obtain English language and literacy proficiency;

(2) the estimated costs to the public and private sector resulting from those residents of the United States who lack English language proficiency; and

(3) the estimated costs of operating English language acquisition programs in the public and private sector for those residents of the United States who lack English language proficiency.

(b) STUDY COMPONENTS.—The study conducted under subsection (a) shall include—

(1) an inventory of all existing Federal programs designed to improve English language and literacy acquisition for adult citizens and lawful permanent residents of the United States, including—

(A) a description of the purpose of each such program;

(B) a summary of the Federal expenditures for each such program during fiscal years 2002 through 2006;

(C) data on the participation rates of individuals within each such program and those who have expressed an interest in obtaining English instruction but have been unable to participate in existing programs;

(D) a summary of evaluations and performance reviews of the effectiveness and sustainability of each such program; and

(E) a description of the coordination of Federal programs with private and nonprofit programs;

(2) the identification of model programs at the Federal, State, and local level with demonstrated effectiveness in helping adult citizens and lawful permanent residents of the United States gain English language and literacy proficiency;

(3) a summary of funding for State and local programs that support improving the English language proficiency and literacy of citizens and lawful permanent residents of the United States;

(4) a summary of the costs incurred and benefits received by Federal, State, and local governments in serving citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for foreign language translators;

(B) the production of documents in multiple languages; and

(C) compliance with Executive Order 13166;

(5) an analysis of the costs incurred by businesses that employ citizens and lawful permanent residents of the United States who are not proficient in English, including—

(A) costs for English training and foreign language translation;

(B) an estimate of lost productivity; and

(C) costs for providing English training to employees;

(6) the number of lawful permanent residents who are eligible to naturalize as citizens of the United States; and

(7) recommendations regarding the most cost-effective actions the Federal government could take to assist citizens and lawful permanent residents of the United States to quickly learn English.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report containing the findings from the study conducted under this section to—

(1) the Committee on Health, Education, Labor, and Pensions of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Education and Labor of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 and 2009 to carry out this section.

SA 1367. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title 1, insert the following:

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding subsection (a), the programs established under title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence shall become effective on the earlier of—

(A) the date on which the Secretary submits a written certification to the President and Congress in accordance with subsection (a); or

(B) the date that is 3 years after the date of the enactment of this Act.

(2) PRESIDENTIAL WAIVER.—The President may waive the application of paragraph (1) for national security purposes.

SA 1368. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 601(m)(1)(B) is amended—

(1) by redesignating clauses (i) through (iv) as subclauses (I) through (IV), respectively, and indenting the subclauses appropriately; and

(2) by striking the matter preceding subclause (I) (as so redesignated) and inserting the following:

''(B) PERIOD OF EMPLOYMENT REQUIRED.—

''(i) APPLICABILITY.—Any requirement of this title relating to employment or the seeking of employment by an alien shall not apply to any alien who is—

''(I) under the age of 16 years; or

''(II) over the age of 65 years.

''(ii) REQUIREMENT.—Subject to clause (i), each Z–1 or Z–3 nonimmigrant shall remain employed for not less than 150 total days during each applicable calendar year, except in a case in which—''.

SA 1369. Mr. GRASSLEY (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of the subsection (a) of section 1, add the following:

(6) STAFF ENHANCEMENTS FOR CITIZENSHIP AND IMMIGRATION SERVICES: The United States Citizenship and Immigration Services has hired and trained 300 additional adjudicators.

On page 3, line 33, strike ''(5)'' and insert ''(6)''.

SA 1370. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15)(C), as added by section 713 of this Act, is amended to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.38 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account 14.38 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1371. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

SA 1372. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 602(a), strike paragraph (6).

In section 214A(h) of the Immigration and Nationality Act, as added by section 622(b), strike paragraph (2).

SA 1373. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214A(h) of the Immigration and Nationality Act, as added by section 622(b), strike paragraph (2).

SA 1374. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 262, strike line 36 and all that follows through page 264, line 1, and insert the following:

Category	Description	Maximum points
Employment Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**35 pts** Honorable Service within any branch of the United States Armed Services for (1) 4 years with an honorable discharge, or (2) any period of time pursuant to a medical discharge–**35 pts** U.S. employment in STEM or health occupation, current for at least 1 year (extraordinary or ordinary)–**35 pts**	**66**
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**23 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**21 pts**	
U.S. employment experience	Years of lawful employment for a U.S. employer (in the case of agricultural employment, 100 days of work per year constitutes 1 year)–**5 pts/year** (max 30 pts)	
Age of worker	Worker's age: 25-39–**18 pts**	
Education (terminal degree)	Graduate degree in a STEM field (including the health sciences).–**50 pts** Graduate degree in a non-STEM field–**34 pts** Bachelor's degree in a STEM field (including the health sciences)–**40 pts** Bachelor's degree in a non-STEM field–**32 pts** Associate's degree in a STEM field (including health sciences)–**30 pts** Associate's degree in a non-STEM field–**25 pts** Completed certified Department of Labor registered apprenticeship–**23 pts** High school diploma or GED–**21 pts** Completed certified Perkins vocational education program–**20 pts**	**50**
English and civics	Native speaker of English or TOEFL score of 100 or higher–**30 pts** TOEFL score of 90-99–**25 pts** Pass USCIS Citizenship Tests in English & Civics–**21 pts**	**30**
Home ownership	Sole owner of place of residence–**8 pts per year of ownership**	**24**
Medical insurance	Current private medical insurance for entire family–**10 pts per year held**	**30**
Total		**200**

SA 1375. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 261, strike line 26 and all that follows through page 262, line 8.

On page 264, in the table preceding line 1, strike the items relating to supplemental schedule for Zs.

On page 272, strike lines 16 through 39.

SA 1376. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 272, strike lines 16 through 39.

SA 1377. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 261, strike line 26 and all that follows through page 262, line 8.

SA 1378. Mr. ENSIGN (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 302, line 34, strike ''(r) Definitions-'' and insert the following:

(r) ELIGIBILITY TO ENLIST IN THE UNITED STATES ARMED FORCES.—Notwithstanding section 504(b) of title 10, United States Code, an alien who receives Z nonimmigrant status shall be eligible to enlist in the United States Armed Forces.

(s) DEFINITIONS.—

SA 1379. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 218E of the Immigration and Nationality Act, as added by section 404, insert the following:

''(i) SPECIAL RULES FOR ALIENS EMPLOYED AS SHEEPHERDERS OR GOAT HERDERS.—Notwithstanding any other provision of this Act, an alien admitted under section 101(a)(15)(H)(ii)(a) for employment as a sheepherder or goat herder—

''(1) may be admitted for a period of up to 3 years;

''(2) shall be subject to readmission; and

''(3) shall not be subject to the requirements of subsection (h)(4).''.

SA 1380. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(6) STAFF ENHANCEMENTS FOR INTERIOR ENFORCEMENT.—The Assistant Secretary for Immigration and Customs Enforcement has hired not less than 2,000 additional special agents to do investigations, to include work enforcement.

On page 3, line 33, strike ''(5)'' and insert ''(6)''.

SA 1381. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. RELIEF FOR WIDOWS AND ORPHANS.

(a) TRANSITION PERIOD.—

(1) IN GENERAL.—In applying section 201(b)(2)(B) of the Immigration and Nationality Act, as amended by this Act, to an alien whose citizen relative died before the date of the enactment of this Act, the alien relative may file a petition under section 204(a)(1)(A)(ii) of such Act not later than 2 years after the date of the enactment of this Act.

(2) PAROLE; ADJUSTMENT OF STATUS.—If the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act based solely upon the alien's lack of classification as an immediate relative due to the citizen relative's death—

(A) such alien may be paroled into the United States pursuant to section 212(d)(5); and

(B) notwithstanding section 212(a)(9) of such Act, such alien's application for adjustment of status shall be considered by the Secretary.

(b) ADJUSTMENT OF STATUS.—Section 245 (8 U.S.C. 1255) is amended by adding at the end the following:

''(n) APPLICATIONS FOR ADJUSTMENT OF STATUS BY SURVIVING SPOUSE AND CHILDREN.—

''(1) IN GENERAL.—Any alien described in paragraph (2) who applied for adjustment of status before the death of the qualifying relative, may have such application adjudicated as if such death had not occurred.

''(2) ALIEN DESCRIBED.—An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsections (a) and (d) of subsection 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b).''.

(c) TRANSITION PERIOD.—

(1) IN GENERAL.—Notwithstanding a denial of an application for adjustment of status, such application may be renewed by an alien whose qualifying relative died before the date of the enactment of this Act if a motion to reopen is filed, without a fee, not later than 2 years after the date of the enactment of this Act.

(2) PAROLE; ADJUSTMENT OF STATUS.—If the alien was excluded, deported, removed, or departed voluntarily before the date of the enactment of this Act—

(A) such alien may be paroled into the United States pursuant to section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)); and

(B) notwithstanding section 212(a)(9) of such Act, such alien's application for adjustment of status shall be considered by the Secretary.

(d) PROCESSING OF IMMIGRANT VISAS BY THE DEPARTMENT OF STATE .—Section 204(b) (8 U.S.C. 1154(b)) is amended—

(1) by inserting ''(1)'' before ''After an investigation''; and

(2) by adding at the end the following:

''(2) Any alien described in paragraph (3) whose qualifying relative died prior to completion of immigrant visa processing may have an immigrant visa application adjudicated as if such death had not occurred, and any immigrant visa issued before the death of the qualifying relative shall remain valid.

''(3) An alien described in this paragraph is an alien who—

''(A) is an immediate relative (as described in section 201(b)(2)(A));

''(B) is a family-sponsored immigrant (as described in subsections (a) and (d) of section 203); or

''(C) is a derivative beneficiary of an employment-based immigrant under section 203(b).''.

(e) NATURALIZATION.—Section 319(a) (8 U.S.C. 1429(a)) is amended by inserting ''or, if the spouse is deceased, was the spouse of a citizen of the United States at the time of such death,'' after ''citizen of the United States,''.

SA 1382. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15), as added by section 713 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if an employer seeks to hire a merit-based employer-sponsored immigrant described in section 203(b)(5) or if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.28 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1383. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 714. H–1B VISA EMPLOYER FEE.

(a) IN GENERAL.—Section 214(c)(15), as added by section 713 of this Act, is amended—

(1) in subparagraph (A), by striking ''In each instance where'' and inserting ''Except as provided under subparagraph (D), if'';

(2) by amending subparagraph (C) to read as follows:

''(C) Of the amounts collected under this paragraph—

''(i) 14.28 percent shall be deposited in the Treasury in accordance with section 286(y); and

''(ii) 85.72 percent shall be deposited in the Treasury in accordance with section 286(z).''; and

(3) by adding at the end the following:

''(D) Public hospitals, which are owned and operated by a State or a political subdivision of a State shall not be subject to the supplemental fee imposed under this paragraph.''.

(b) USE OF ADDITIONAL FEE.—Section 286 (8 U.S.C. 1356) is amended—

(1) by redesignating subsection (x), as added by section 712, as subsection (z); and

(2) by inserting after subsection (x), as added by section 402(b), the following:

''(y) GIFTED AND TALENTED STUDENTS EDUCATION ACCOUNT.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Gifted and Talented Students Education Account'. There shall be deposited as offsetting receipts into the account 14.28 percent of the fees collected under section 214(c)(15).

''(2) USE OF FEES.—Amounts deposited into the account established under paragraph (1) shall remain available to the Secretary of Education until expended for programs and projects authorized under the Jacob K. Javits Gifted and Talented Students Education Act of 2001 (20 U.S.C. 7253 et seq.).''.

SA 1384. Mr. SALAZAR (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 1151 proposed by Mr. INHOFE (for himself, Mr. ALEXANDER, Mr. SESSIONS, Mr. ENZI, Mr. CHAMBLISS, Mr. BURR, Mr. ISAKSON, Mr. BUNNING, and Mr. COLEMAN) to the amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. 702A. DECLARATION OF ENGLISH AS LANGUAGE.

(a) IN GENERAL.—English is the common language of the United States.

(b) PRESERVING AND ENHANCING THE ROLE OF THE ENGLISH LANGUAGE.—The Government of the United States shall preserve and enhance the role of English as the language of the United States. Nothing in this Act shall diminish or expand any existing rights under the laws of the United States relative to services or materials provided by the Government of the United States in any language other than English

(c) DEFINITION OF LAW.—For purposes of this section, the term ''laws of the United States'' includes the Constitution of the United States, any provision of Federal statute, or any rule or regulation issued under such statute, any judicial decisions interpreting such statute, or any Executive Order of the President.

SA 1385. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 2 and 3, insert the following:

(iv) NONAPPLICABILITY TO CERTAIN ALIENS.—Clauses (i) through (iii) shall not apply to any alien who qualifies for a Z nonimmigrant visa and a subsequent adjustment of status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

On page 304, line 36, strike ''must'' and insert ''(except an alien granted legal status under section 244) shall''.

SA 1386. Mr. LEAHY (for himself, Mr. SALAZAR, Mr. CARDIN, and Mr. HAGEL) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PROTECTION FOR SCHOLARS.

(a) NONIMMIGRANT CATEGORY.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking subparagraph (W), as added by section 401(a)(4), and inserting the following:

''(W) subject to subsection (s) of section 214, an alien—

''(i) who the Secretary of Homeland Security determines—

''(I) is a scholar; and

''(II) is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity; or

''(ii) who is the spouse or child of an alien described in clause (i) who is accompanying or following to join such alien;''.

(b) CONDITIONS.—Section 214 (8 U.S.C. 1184) is amended by adding at the end the following new subsection:

''(s) REQUIREMENTS APPLICABLE TO PERSECUTED SCHOLARS.—

''(1) ELIGIBILITY.—

''(A) IN GENERAL.—An alien is eligible for nonimmigrant status under section 101(a)(15)(W)(i) if the alien is able to demonstrate that the alien is a scholar in any field who is subject to a risk of grave danger or persecution in the alien's country of nationality on account of the alien's belief, scholarship, or identity.

''(B) CONSULTATION.—In determining eligibility of aliens under subparagraph (A), the Secretary of Homeland Security shall consult with nationally recognized organizations that have not less than 5 years of experience in assisting and funding scholars needing to escape dangerous conditions.

''(2) NUMERICAL MINIMUMS.—The number of aliens who may be issued visas or otherwise provided status as nonimmigrants under section 1101(a)(15)(W) in any fiscal year may not be less than 2,000, unless the Secretary determines that less than 2,000 aliens who are qualified for such status are seeking such status during the fiscal year.

''(3) CREDIBLE EVIDENCE CONSIDERED.—In acting on any application filed under this subsection, the consular officer or the Secretary of Homeland Security, as appropriate, shall consider any credible evidence relevant to the application, including information received in connection with the consultation required under paragraph (1)(B).

''(4) NONEXCLUSIVE RELIEF.—Nothing in this subsection limits the ability of an alien who qualifies for status under section 101(a)(15)(W) to seek any other immigration benefit or status for which the alien may be eligible.

''(5) DURATION OF STATUS.—

''(A) INITIAL PERIOD.—The initial period of admission of an alien granted status as a nonimmigrant under section 101(a)(15)(W) shall be not more than 2 years.

''(B) EXTENSION OF PERIOD.—The period of admission described in subparagraph (A) may be extended for 1 additional 2-year period.''.

SA 1387. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless such credit reduces such alien's income taxes for any such preceding taxable year.

SA 1388. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless such credit reduces such alien's income taxes or self-employment taxes for any such preceding taxable year.

SA 1389. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless 100 percent of such credit reduces such alien's income taxes for any such preceding taxable year.

SA 1390. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 292, before line 34, insert the following:

(E) LIMITATION.—An alien required to pay any applicable Federal tax liability by reason of subparagraph (A), or who otherwise satisfies the requirements of subparagraph (A), shall not be allowed to file any claim for any tax credit otherwise allowable under the Internal Revenue Code of 1986 for any taxable year preceding the taxable year in which such application is made unless 100 percent of such credit reduces such alien's income taxes or self-employment taxes for any such preceding taxable year.

SA 1391. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 303, after line 19, insert the following:

(s) PERJURY AND FALSE STATEMENTS.—All application forms for immigration benefits, relief, or status under this Act (including application forms for Z non-immigrant status) shall bear a warning to the applicant and to any other person involved in the preparation of the application that the making of any false statement or misrepresentation on the application form (or any supporting documentation) will subject the applicant or other person to prosecution for false statement, fraud, or perjury under the applicable laws of the United States, including sections 1001, 1546, and 1621 of title 18, United States Code.

(t) FRAUD PREVENTION PROGRAM.—The head of each department responsible for the administration of a program or authority to confer an immigration benefit, relief, or status under this Act shall develop an administrative program to prevent fraud within or upon such program or authority. Subject to such modifications the head of the department may direct, the program required by this subsection shall provide for fraud prevention training for the relevant administrative adjudicators within the department.

SA 1392. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287, strike line 12 and all that follows through line 35 on page 296, and insert the following:

(6) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a Z–1 nonimmigrant.

(ii) An alien applying for extension of the alien's Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,000 for a Z–1 nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) APPLICATION INFORMATION.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the

Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in subsection (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than 6 months after the date on which the Secretary begins to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center;

(v) remittance records; and

(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(I) the name, address, and telephone number of the affiant;

(II) the nature and duration of the relationship between the affiant and the alien; and

(III) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(A) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(B) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each Z nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with United States Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years.

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to 3 attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application,

but no more than $1,000 for a Z–1 nonimmigrant.

SA 1393. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, line 21, strike ''in the first sentence'' and insert ''and inserting '(other than a nonimmigrant described in subparagraph (E)(iii), (H)(i) (except subclause (b1)), (J) (if coming to the United States to receive graduate medical education or training described in section 212(j)(1) or to take examinations required to receive such graduate medical education or training), (L), or (V) of section 101(a)(15))' ''.

SA 1394. Mr. CONRAD (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 425, add at the end the following:

(j) FEDERAL PHYSICIAN WAIVER PROGRAM.—Section 214(l) (8 U.S.C. 1184(l)), as amended by this section, is further amended by adding at the end the following:

''(5) In administering the Federal physician waiver program authorized under paragraph (1)(C), the Secretary of Health and Human Services shall accept applications from—

''(A) primary care physicians and physicians practicing specialty medicine; and

''(B) hospitals and health care facilities of any type located in an area that the Secretary has designated as having a shortage of physicians, including—

''(i) a Health Professional Shortage Area (as defined in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)));

''(ii) a Mental Health Professional Shortage Area;

''(iii) a Medically Underserved Area (as defined in section 330I(a)(4) of the Public Health Service Act (42 U.S.C. 254c–14(a)(4)));

''(iv) a Medically Underserved Population (as defined in section 330(b)(3) of the Public Health Service Act (42 U.S.C. 254b(b)(3))); or

''(v) a Physician Scarcity Areas (as identified under section 1833(u)(4) of the Social Security Act (42 U.S.C. 13951(u)(4))).

''(6) Any employer shall be deemed to have met the requirements under paragraph (1)(D)(iii) if the facility of the employer is located in an area listed in paragraph (5)(B).''.

(k) RETAINING AMERICAN-TRAINED PHYSICIANS IN PHYSICIAN SHORTAGE COMMUNITIES.—Section 201(b)(1) (8 U.S.C. 1151(b)) is amended by adding at the end the following:

''(F) Alien physicians who have completed service requirements under section 214(l).''.

SA 1395. Mr. GRASSLEY (for himself and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Section 419(a) (relating to numerical limitations on H-1B nonimmigrants), is amended to read as follows:

(a) H–1B AMENDMENTS.—Section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed 200,000 for each fiscal year; or'';

(2) by striking paragraphs (6), (7), and (8); as redesignated by section 409(2) and

(3) in paragraph (9), as redesignated by section 409(2)—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numeric limitations described in clause (i) shall not exceed'' and inserting the following: ''Without respect to the annual numeric limitation described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

SA 1396. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 1(a), add at the end the following:

(6) USCIS ADJUDICATORS.—The Citizenship and Immigration Service has hired 300 additional adjudicators.

SA 1397. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of subsection (a) of section 1, add the following:

(7) STAFF ENHANCEMENTS FOR INTERIOR ENFORCEMENT.—The Assistant Secretary for Immigration and Customs Enforcement has hired not less than 2,000 additional special agents to conduct investigations, including worksite enforcement.

SA 1398. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 339, line 38, strike ''not''.

SA 1399. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, at line 36, strike ''renunciation of gang affiliation;''

SA 1400. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, insert the following:

SEC. 711. ADJUSTMENT OF STATE IMPACT ASSISTANCE FEES.

Notwithstanding section 218A(e)(3)(B) of the Immigration and Nationality Act, as added by section 402, or section 601(e)(6)(C), an alien making an application for a Y–1 nonimmigrant visa or an alien making an initial application for Z–1 nonimmigrant status shall pay a State impact assistance fee of $750 and an additional $100 fee for each dependent accompanying or following to join the alien.

SA 1401. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, add the following new subsection:

(e) INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.—

(1) REQUIREMENT FOR INFORMATION SHARING.—No person or agency may prohibit a Federal, State, or local government entity from acquiring information regarding the immigration status of any individual if the entity seeking such information has probable cause to believe that the individual is not lawfully present in the United States. Such probable cause includes the individual's failure to possess an identification document issued by the United States or a State.

(2) REQUIREMENT PRIOR TO IMPLEMENTATION.—Subject to subsection (a), with the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, may not become effective until the date that the Secretary submits a written certification to the President and Congress that the requirement set out in paragraph (1) is being carried out.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed—

(A) to limit the acquisition of information as otherwise provided by law; or

(B) to require a person to disclose information regarding an individual's immigration status prior to the provision of emergency medical or law enforcement assistance.

SA 1402. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, line 23, insert '', including the lease of 6 additional aircraft and 12 busses'' before the period at the end.

On page 36, after line 17, insert the following:

SEC. 139. SOUTHWEST BORDER EASEMENT FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in consultation with the Attorney General and the Commissioner of the United States Section, International Boundary and Water Commission, shall conduct a study of the desirability of, and need for, border enforcement easements between the ports of entry along the international border between the United States and Mexico to facilitate the patrolling of such border to deter and detect illegal entry into the United States.

(b) IDENTIFICATION OF SPECIFIC LOCATIONS.—The study conducted under this section shall identify—

(1) the specific locations where agents of the United States Border Patrol lack immediate access to or control of the border, including any location where authorization by a third party is required to patrol the border or carry out the activities described in subsection (c); and

(2) for each such location—

(A) the actions required to create a border enforcement easement;

(B) the optimal distance from the border to which such easement should extend and the geographic size of the easement;

(C) the estimated costs of acquiring the easement and making the improvements described in subsection (c); and

(D) the changes to existing law that would be required to carry out such acquisitions and improvements.

(c) SCOPE AND USE OF EASEMENT.—Easements studied under this section shall be considered to provide the United States Border Patrol with access to and control of land immediately adjacent to the border described in subsection (a) for—

(1) installing detection equipment;

(2) constructing or improving roads;

(3) controlling vegetation;

(4) installing fences or other obstacles; and

(5) carrying out such other activities as may be required to patrol the border and deter or detect illegal entry.

(d) REPORT.—Not later than December 1, 2008, the Secretary shall submit a report containing the results of the study conducted under this section to—

(1) the Committee on Homeland Security and Governmental Affairs of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the Senate;

(4) the Committee on Homeland Security of the House of Representatives;

(5) the Committee on the Judiciary of the House of Representatives; and

(6) the Committee on Appropriations of the House of Representatives.

At the appropriate place, insert the following:

SEC. ___. REGISTRATION OF ALIENS; NOTICES OF CHANGE OF ADDRESS.

(a) REGISTRATION REQUIRED FOR WORK AUTHORIZATION.—Section 262 (8 U.S.C. 1302) is amended by adding at the end the following:

''(d) The Secretary of Homeland Security shall verify that each alien applying for work authorization under this Act has registered under this section and has complied with the requirements under subsections (a)(1), (a)(2), and (b) of section 265 before approving such application.''.

(b) ANNUAL NOTIFICATION.—Section 265(a) (8 U.S.C. 1305(a)) is amended by striking ''(a) Each alien'' and inserting the following:

''(a) IN GENERAL.—

''(1) ANNUAL NOTIFICATION.—Each alien required to be registered under this title who is within the United States on the first day of January of any year shall, not later than 30 days following such date, notify the Secretary of Homeland Security in writing of the current address of the alien and furnish such additional information as the Secretary may prescribe by regulation. Failure to comply with this paragraph shall disqualify an alien from being approved for work authorization under this Act.

''(2) NOTIFICATION IF ABSENT ON JANUARY 1.—Each alien required to be registered under this title who is temporarily absent from the United States on the first day of January of any year shall, not later than 10 days after date on which the alien returns to the United States, provide the Secretary of Homeland Security with the information described in paragraph (1).

''(3) NEW ADDRESS.—Each alien''.

(c) TREATMENT OF CHANGE OF ADDRESS FORM AS REGISTRATION DOCUMENT.—Section 265 (8 U.S.C. 1305), as amended by subsection (b), is further amended by adding at the end the following:

''(d) TREATMENT AS REGISTRATION DOCUMENT.—For purposes of this chapter, any notice of change of address submitted by an alien under this section shall be treated as a registration document under section 262.''.

(d) TECHNICAL AMENDMENTS.—Section 266 (8 U.S.C. 1306) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) by striking subsection (b); and

(3) by redesignating subsection (c) and (d) as subsections (b) and (c), respectively.

SA 1403. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 265, line 25, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

(c) PROVISION OF W–2 FORMS.—Section 214(g)(5), as redesignated by section 409, is amended to read as follows:

''(5) In the case of a nonimmigrant described in section 101(a)(15)(H)(i)(b)—

''(A) the period of authorized admission as such a nonimmigrant may not exceed 6 years (except for a nonimmigrant who has filed a petition for an immigrant visa under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence);

''(B) if the alien is granted an initial period of admission less than 6 years, any subsequent application for an extension of stay for such alien shall include the Form W–2 Wage and Tax Statement filed by the employer for such employee, and such other form or information relating to such employment as the Secretary of Homeland Security, in the discretion of the Secretary, may specify, with respect to such nonimmigrant alien employee for the period of admission granted to the alien; and

''(C) notwithstanding section 6103 of the Internal Revenue Code of 1986, or any other law, the Commissioner of Internal Revenue or the Commissioner of the Social Security Administration shall upon request of the Secretary confirm whether the Form W–2 Wage and Tax Statement filed by the employer under subparagraph (B) matches a Form W–2 Wage and Tax Statement filed with the Internal Revenue Service or the Social Security Administration, as the case may be.''.

(d) EXTENSION OF H–1B STATUS FOR MERIT-BASED ADJUSTMENT APPLICANTS.—

(1) IN GENERAL.—Section 214(g)(4), as redesignated by section 409, is amended—

(A) by inserting ''(A)'' after ''(4)'';

(B) by striking ''If an alien'' and inserting the following:

''(B) If an alien''; and

(C) by adding at the end the following:

''(D) Subparagraph (B) shall not apply to such a nonimmigrant who has filed a petition for an immigrant visa accompanied by a qualifying employer recommendation under section 203(b)(1), if 365 days or more have elapsed since filing and it has not been denied, in which case the Secretary of Homeland Security may extend the stay of an alien in 1-year increments until such time as a final decision is made on the alien's lawful permanent residence.''.

(2) REPEAL.—Section 106 of the American Competitiveness in the Twenty-first Century Act of 2000 (8 U.S.C. 1184 note) is amended by striking subsections (a) and (b).

SEC. 420. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)—

(I) in clause (i), by striking ''(E)(i) In the case of an application described in clause (ii), the'' and inserting ''(E) The''; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking ''In the case of'' and all that follows through ''where—'' and inserting ''The employer will not place the nonimmigrant with another employer if—''; and

(iii) in subparagraph (G), by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in paragraph (2)—

(i) in subparagraph (E), by striking ''If an H–1B-dependent employer'' and inserting ''If an employer that employs H–1B nonimmigrants''; and

(ii) in subparagraph (F), by striking ''The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer.''; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n), as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking ''90 days'' each place it appears and inserting ''180 days'';

(ii) in subparagraph (F)(ii), by striking ''90 days'' each place it appears and inserting ''180 days''; and

(B) in paragraph (2)(C)(iii), by striking ''90 days'' each place it appears and inserting ''180 days''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1), as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

''(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

''(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

''(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

''(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs.''; and

(2) in the undesignated paragraph at the end, by striking ''The employer'' and inserting the following:

''(K) The employer''.

(d) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1), as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (c)(1), the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.''.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K), as redesignated by section 420(c)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).''

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking ''a condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.'';

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2), as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A), as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C), as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n), as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers rights.''.

SEC. 422. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) (8 U.S.C. 1184(c)(2)) is amended by inserting after subsection (F) the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) is amended by inserting after subparagraph (G), as added by subsection (a), the following:

''(H)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(H), as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) is amended by inserting after subparagraph (H), as added by subsection (b), the following:

''(I)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

SEC. 423. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting ''take, fail to take, or threaten to take or fail to take, a personnel action, or'' before ''to intimidate''; and

(2) by adding at the end the following: ''An employer that violates this clause shall be liable to the employees harmed by such violation for lost compensation, including back pay.''.

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) is amended by inserting after subparagraph (I), as added by section 423, the following:

''(J)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

''(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

''(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

''(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

''(iii) In this subparagraph, the term 'employee' includes—

''(I) a current employee;

''(II) a former employee; and

''(III) an applicant for employment.''.

SEC. 424. LIMITATIONS ON APPROVAL OF L–1 PETITIONS FOR START-UP COMPANIES.

Section 214(c)(2), as amended by sections 422 and 423, is further amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (L), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(K)(i) If the beneficiary of a petition under this subsection is coming to the United States to be employed in a new office, the petition may be approved for a period not to exceed 12 months only if the alien has

not been the beneficiary of 2 or more petitions under this subparagraph within the immediately preceding 2 years and only if the employer operating the new office has—

''(I) an adequate business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits to the Secretary of Homeland Security—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements of section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has substantially complied with the business plan submitted under clause (i);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition if requested by the Secretary;

''(VI) evidence that the importing employer, from the date of petition approval under clause (i), has been doing business at the new office through regular, systematic, and continuous provision of goods or services;

''(VII) a statement of the duties the beneficiary has performed at the new office during the approval period under clause (i) and the duties the beneficiary will perform at the new office during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new office, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees if the beneficiary will be employed in a managerial or executive capacity;

''(X) evidence of the financial status of the new office; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) A new office employing the beneficiary of an L–1 petition approved under this subparagraph shall do business through regular, systematic, and continuous provision of goods or services for the entire period of petition approval.

''(iv) Notwithstanding clause (iii) or subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security, in the discretion of the Secretary, may approve a subsequently filed petition on behalf of the beneficiary to continue employment at the office described in this subsection for a period beyond the initially granted 12-month period if the importing employer has been doing business at the new office through regular, systematic, and continuous provision of goods or services for the 6 months immediately preceding the date of extension petition filing and demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances, as determined by the Secretary, in the discretion of the Secretary.

''(L)(i) The Secretary of Homeland Security may not authorize the spouse of an alien described under section 101(a)(15)(L), who is a dependent of a beneficiary under subparagraph (K), to engage in employment in the United States during the initial 12-month period described in subparagraph (K)(i).

''(ii) A spouse described in clause (i) may be provided employment authorization upon the approval of an extension under subparagraph (K)(ii).

''(M) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall establish procedures with the Department of State to verify a company or office's existence in the United States and abroad.''.

SEC. 425. MEDICAL SERVICES IN UNDERSERVED AREAS.

(a) PERMANENT AUTHORIZATION OF THE CONRAD PROGRAM.—

(1) IN GENERAL.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) (as amended by section 1(a) of Public Law 108–441 and section 2 of Public Law 109–477) is amended by striking ''and before June 1, 2008.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if enacted on June 1, 2007.

(b) PILOT PROGRAM REQUIREMENTS.—Section 214(l) (8 U.S.C. 1184(l)) is amended by adding at the end the following:

''(4)(A) Notwithstanding paragraph (1)(B), the Secretary of Homeland Security may grant up to a total of 50 waivers for a State under section 212(e) in a fiscal year if, after the first 30 such waivers for the State are granted in that fiscal year—

''(i) an interested State agency requests a waiver; and

''(ii) the requirements under subparagraph (B) are met.

''(B) The requirements under this subparagraph are met if—

''(i) fewer than 20 percent of the physician vacancies in the health professional shortage areas of the State, as designated by the Secretary of Health and Human Services, were filled in the most recent fiscal year;

''(ii) all of the waivers allotted for the State under paragraph (1)(B)) were used in the most recent fiscal year; and

''(iii) all underserved highly rural States—

''(I) used the minimum guaranteed number of waivers under section 212(e) in health professional shortage areas in the most recent fiscal year; or

''(II) all agreed to waive the right to receive the minimum guaranteed number of such waivers.

''(C) In this paragraph:

''(i) The term 'health professional shortage area' has the meaning given the term in section 332(a)(1) of the Public Health Service Act (42 U.S.C. 254e(a)(1)).

''(ii) The term 'underserved highly rural State' means a State with at least 30 counties with a population density of not more than 10 people per square mile, based on the latest available decennial census conducted by the Bureau of Census.

''(iii) The term 'minimum guaranteed number' means—

''(I) for the first fiscal year of the pilot program, 15;

''(II) for each subsequent fiscal year, the sum of—

''(aa) the minimum guaranteed number for the second fiscal year; and

''(bb) if any State received additional waivers under this paragraph in the first fiscal year;

''(III) for the third fiscal year, the sum of—

''(aa) the minimum guaranteed number for the second fiscal year; and

''(bb) if any State received additional waivers under this paragraph in the first fiscal year.''.

(c) TERMINATION DATE.—Section 214(l)(4) of the Immigration and Nationality Act, as added by subsection (b), is repealed on September 30, 2011.

(d) MEDICAL PROFESSIONALS.—Section 212(j) (8 U.S.C. 1182(j)) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following:

''(2)(A) An alien who is coming to the United States to receive graduate medical education or training (or seeks to acquire status as a nonimmigrant under section 1101(a)(15)(J) to receive graduate medical education or training) may not change status under section 1258 to a nonimmigrant under section 1101(a)(15)(H)(i)(b) until the alien graduates from the medical education or training program and meets the requirements of paragraph (3)(B).

''(B) Any occupation that an alien described in paragraph (2)(A) may be employed in while receiving graduate medical education or training shall not be deemed a 'specialty occupation' within the meaning of section 1184(i) for purposes of section 1101(a)(15)(H)(i)(b).''; and

(3) in paragraph (3), as redesignated by paragraph (1) of this subsection, by striking the matter preceding subparagraph (A) and inserting the following:

''(3) An alien who has graduated from a medical school and who is coming to the United States to practice primary care or specialty medicine as a member of the medical profession may not be admitted as a nonimmigrant under section 1101(a)(15)(H)(i)(b) of this title unless—'';

(e) DEFINITION.—Section 101(a)(15)(J) is amended by inserting ''(except an alien coming to the United States to receive graduate medical education or training)'' after ''abandoning''.

(f) INTENTION TO ABANDON FOREIGN RESIDENCE.—Section 214(h) (8 U.S.C. 1184(h)) is amended by inserting ''(E), (J) (if the alien is coming to the United States to receive graduate medical education or training),'' after ''described in subparagraph''.

(g) MEDICAL RESIDENTS INELIGIBLE FOR H–1B NONIMMIGRANT STATUS.—Section 214(i)(1) (8 U.S.C. 1184(i)) is amended to read as follows:

''(1) Except as provided in paragraph (3), for purposes of section 101(a)(15)(H)(i)(b), section 101(a)(15)(E)(iii), and paragraph (2), the term 'specialty occupation'—

''(A) means an occupation that requires—

''(i) theoretical and practical application of a body of highly specialized knowledge; and

''(ii) attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States; and

''(B) shall not include graduate medical education or training.''.

(h) WAIVER OF FOREIGN RESIDENCE REQUIREMENT.—Section 214(l) (8 U.S.C. 1184(l)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C)—

(i) in clause (i), by striking ''Attorney General to be in the public interest; and'' and inserting ''Secretary of Homeland Security to be in the public interest;'';

(ii) by striking subclause (ii) and inserting the following:

''(ii) the alien has accepted employment with the health facility or health care organization and agrees to continue to work for a total of not less than 3 years; and

''(iii) the alien begins employment not later than 90 days after the later of the date on which the alien—

''(I) received such waiver; or

''(II) received nonimmigrant status or employment authorization pursuant to an application filed under paragraph (2)(A) (if such application is filed not later than 90 days after eligibility of completing graduate medical education or training under a program approved pursuant to section 212(j)(1));'';

(B) by striking the period at the end and inserting the following: ''; or

''(E) in the case of a request by an interested State agency, the alien agrees to practice primary care or specialty medicine care, for a continuous period of 2 years, only at a federally qualified health facility, health care organization or center, or in a rural health clinic that is located in—

''(i) a geographic area which is designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

''(ii) a State that utilized less than 10 of the total allotted waivers for the State under paragraph (1)(B) (excluding the number of waivers available pursuant to paragraph (1)(D)(ii)) in the most recent fiscal year.'';

(2) in paragraph (2), by amending subparagraph (A) to read as follows:

''(A) Notwithstanding section 248(a)(2), upon submission of a request to an interested Federal agency or an interested State agency for recommendation of a waiver under this section by a physician who is maintaining valid nonimmigrant status under section 101(a)(15)(J), the Secretary of Homeland Security may accept as properly filed an application to change the status of such physician to [any applicable nonimmigrant status]. Upon favorable recommendation by the Secretary of State of such request, and approval by the Secretary of Homeland Security the waiver under this section, the Secretary of Homeland Security may change the status of such physician to that of [an appropriate nonimmigrant status.]''.

(3) in paragraph (3)(A), by inserting ''requirement of or'' before ''agreement entered into''.

(i) PERIOD OF AUTHORIZED ADMISSION FOR PHYSICIANS ON H–1B VISAS WHO WORK IN MEDICALLY UNDERSERVED COMMUNITIES.—Section 214(g)(5), as renumbered by section 409 and amended by section 719(c), is further amended by adding at the end the following:

''(D) The period of authorized admission under subparagraph (A) shall not apply to an alien physician who fulfills the requirements under subsection (l)(1)(E) and who has practiced primary or specialty care in a medically underserved community for a continuous period of 5 years.''.

SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title, and the amendments made by this title.

TITLE V—IMMIGRATION BENEFITS

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

''(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under section 203(a), plus any immigrant visas not required for the class specified in subsection (d).

''(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 127,000, plus any immigrant visas not required for the class specified in subsection (d).''.

(b) MERIT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—

''(1) IN GENERAL.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection—

''(A) for the first 5 fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) for fiscal year 2005, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(ii) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(B) starting in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(i) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(ii) not more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007; and

''(C)(i) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens of nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in subsection (c), plus

''(ii) the temporary supplemental allocation of additional visas described in paragraph (2) for nonimmigrants described in section 101(a)(15)(Z).

''(2) TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in this paragraph is as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(3) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (2) shall terminate when the number of visas calculated pursuant to paragraph (2)(C) is zero.

''(4) LIMITATION.—The temporary supplemental visas described in paragraph (2) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

''(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens who—

''(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

''(ii) seek to enter the United States to continue work in the area of extraordinary ability.

''(K) Aliens who—

''(i) are recognized internationally as outstanding in a specific academic area;

''(ii) have at least 3 years of experience in teaching or research in the academic area; and

''(iii) who seek to enter the United States for—

''(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

''(II) a comparable position with an institution of higher education to conduct research in the area; or

''(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(L) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	
Experience	Years of work for U.S. firm–**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Total		**100**

"Category	Description	Maximum points
"Supplemental schedule for Zs		
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts** Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts** Worked in agriculture for 5 years, 100 days per year–**25 pts**	**25**
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).'';

''(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

''(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking ''7.1 percent of such worldwide level'' and inserting ''4,200 of the worldwide level specified in section 201(d)(1)''; and

(B) by striking ''5,000'' and inserting ''2,500'';

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking ''7.1 percent of such worldwide level'' and inserting ''2,800 of the worldwide level specified in section 201(d)(1)''; and

(B) in subparagraph (B)(i), by striking ''3,000'' and inserting ''1,500''; and

(5) by adding at the end the following

''(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

''(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

''(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

''(III) the alien's entry into the United States will substantially benefit prospectively the United States.

''(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

''(I) the alien is recognized internationally as outstanding in a specific academic area;

''(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

''(III) the alien seeks to enter the United States—

''(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

''(bb) for a comparable position with an institution of higher education to conduct research in the area, or

''(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

''(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(C) PROFESSIONALS.—

''(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

''(i) there are not sufficient workers who are able, willing, qualified and available at the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

''(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.''.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

''(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

''(i) 140,000, plus

''(ii) the number computed under subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

''(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.''.

SA 1404. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H-1B STREAMLINING AND SIMPLIFICATION.

(a) H-1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended—

(A) in subparagraph (B), by striking ''or'' after the semicolon;

(B) in subparagraph (C), by striking '', until the number of aliens who are exempted from such numerical limitation during such year exceeds 20,000.'' and inserting ''; or''; and

(C) by adding at the end the following:

''(D) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States.''.

(2) APPLICABILITY.—The amendments made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SA 1405. Ms. CANTWELL (for herself, Mr. CORNYN, Mr. LEAHY, Mr. HATCH, Mr. BENNETT, Mr. SCHUMER, Mr. WARNER, Mr. SUNUNU, Mr. ENSIGN, and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 262, beginning with line 10, strike all through page 265, line 25, and insert the following:

(c) PROVIDING EXEMPTIONS FROM MERIT-BASED LEVELS FOR VERY HIGHLY SKILLED IMMIGRANTS.—Section 201(b)(1) of the Immigration and Nationality Act (as amended by section 503(a)) (8 U.S.C. 1151(b)(1)) is further amended by inserting after subparagraph (G) the following:

''(H) Aliens who have earned a master's or higher degree from a United States institution of higher education, as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

''(I) Aliens who have earned a master's degree or higher degree in science, technology, engineering, or mathematics and have been working in a related field in the United States in a nonimmigrant status during the 3-year period preceding their application for an immigrant visa under section 203(b).

''(J) Aliens who—

''(i) have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation; and

''(ii) seek to enter the United States to continue work in the area of extraordinary ability.

''(K) Aliens who—

''(i) are recognized internationally as outstanding in a specific academic area;

''(ii) have at least 3 years of experience in teaching or research in the academic area; and

''(iii) who seek to enter the United States for—

''(I) a tenured position (or tenure-track position) within an institution of higher education to teach in the academic area;

''(II) a comparable position with an institution of higher education to conduct research in the area; or

''(III) a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 persons full-time in research activities and has achieved documented accomplishments in an academic field.

''(M) The immediate relatives of an alien who is admitted as a merit-based employer-sponsored immigrant under subsection 203(b)(5).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

''Category	**Description**	**Maximum points**
''Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	

"Category	Description	Maximum points
Experience Age of worker	Years of work for U.S. firm–**2 pts/year** (max 10 points) Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Total		**100**

"Category	Description	Maximum points
"Supplemental schedule for Zs		
Agriculture National Interest	Worked in agriculture for 3 years, 150 days per year–**21 pts** Worked in agriculture for 4 years (150 days for 3 years, 100 days for 1 year)–**23 pts** Worked in agriculture for 5 years, 100 days per year–**25 pts**	**25**
U.S. employment experience	Year of lawful employment–**1 pt**	**15**
Home ownership	Own place of residence–**1 pt/year owned**	**5**
Medical insurance	Current medical insurance for entire family	**5**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).'';

''(G) Notwithstanding any other provision of this paragraph, the requirements of this paragraph shall apply only to merit-based, self-sponsored immigrants and not to merit-based, employer-sponsored immigrants described in paragraph (5).

''(H) Notwithstanding any other provision of this paragraph, any reference in this paragraph to a worldwide level of visas refers to the worldwide level specified in section 201(d)(1).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated by paragraph (3)—

(A) by striking ''7.1 percent of such worldwide level'' and inserting ''4,200 of the worldwide level specified in section 201(d)(1)''; and

(B) by striking ''5,000'' and inserting ''2,500'';

(4) in paragraph (3), as redesignated by paragraph (3)—

(A) in subparagraph (A), by striking ''7.1 percent of such worldwide level'' and inserting ''2,800 of the worldwide level specified in section 201(d)(1)''; and

(B) in subparagraph (B)(i), by striking ''3,000'' and inserting ''1,500''; and

(5) by adding at the end the following

''(5) MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) PRIORITY WORKERS.—Visas shall first be made available in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), to qualified immigrants who are aliens described in any of clauses (i) through (iii):

''(i) ALIENS WITH EXTRAORDINARY ABILITY.—An alien is described in this clause if—

''(I) the alien has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation;

''(II) the alien seeks to enter the United States to continue work in the area of extraordinary ability; and

''(III) the alien's entry into the United States will substantially benefit prospectively the United States.

''(ii) OUTSTANDING PROFESSORS AND RESEARCHERS.—An alien is described in this clause if—

''(I) the alien is recognized internationally as outstanding in a specific academic area;

''(II) the alien has at least 3 years of experience in teaching or research in the academic area; and

''(III) the alien seeks to enter the United States—

''(aa) for a tenured position (or tenure-track position) within an institution of higher education (as such term is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)) to teach in the academic area;

''(bb) for a comparable position with an institution of higher education to conduct research in the area, or

''(cc) for a comparable position to conduct research in the area with a department, division, or institute of a private employer, if the department, division, or institute employs at least 3 individuals full-time in research activities and has achieved documented accomplishments in an academic field.

''(iii) CERTAIN MULTINATIONAL EXECUTIVES AND MANAGERS.—An alien is described in this clause if the alien, in the 3 years preceding the time of the alien's application for classification and admission into the United States under this paragraph, has been employed for at least 1 year by a firm or corporation or other legal entity or an affiliate or subsidiary thereof and the alien seeks to enter the United States in order to continue to render services to the same employer or to a subsidiary or affiliate thereof in a capacity that is managerial or executive.

''(B) ALIENS WHO ARE MEMBERS OF THE PROFESSIONS HOLDING ADVANCED DEGREES OR ALIENS OF EXCEPTIONAL ABILITY.—

''(i) IN GENERAL.—Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraph (A), to qualified immigrants who are members of the professions holding advanced degrees or their equivalent or who because of their exceptional ability in the sciences, arts, or business, will substantially benefit prospectively the national economy, cultural or educational interests, or welfare of the United States, and whose services in the sciences, arts, professions, or business are sought by an employer in the United States.

''(ii) DETERMINATION OF EXCEPTIONAL ABILITY.—In determining under clause (i) whether an immigrant has exceptional ability, the possession of a degree, diploma, certificate, or similar award from a college, university, school, or other institution of learning or a license to practice or certification for a particular profession or occupation shall not by itself be considered sufficient evidence of such exceptional ability.

''(C) PROFESSIONALS.—

''(i) Visas shall be made available, in a number not to exceed 33.3 percent of the worldwide level specified in section 201(d)(5), plus any visas not required for the classes specified in subparagraphs (A) and (B), to qualified immigrants who hold baccalaureate degrees and who are members of the professions and who are not described in subparagraph (B).

''(D) LABOR CERTIFICATION REQUIRED.—An immigrant visa may not be issued to an immigrant under subparagraph (B) or (C) until there has been a determination made by the Secretary of Labor that—

''(i) there are not sufficient workers who are able, willing, qualified and available at

the time such determination is made and at the place where the alien, or a substitute is to perform such skilled or unskilled labor; and

''(ii) the employment of such alien will not adversely affect the wages and working conditions of workers in the United States similarly employed.

An employer may not substitute another qualified alien for the beneficiary of such determination unless an application to do so is made to and approved by the Secretary of Homeland Security.''.

(c) WORLDWIDE LEVEL OF MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—Section 201(d) of the Immigration and Nationality Act (8 U.S.C. 1151(d)), as amended by section 501(b), is further amended by adding at the end the following:

''(5) WORLDWIDE LEVEL FOR MERIT-BASED EMPLOYER-SPONSORED IMMIGRANTS.—

''(A) IN GENERAL.—The worldwide level of merit-based employer-sponsored immigrants under this paragraph for a fiscal year is equal to—

''(i) 140,000, plus

''(ii) the number computed under subparagraph (B).

''(B) ADDITIONAL NUMBER.—

''(i) FISCAL YEAR 2007.—The number computed under this subparagraph for fiscal year 2007 is zero.

''(ii) FISCAL YEAR 2008.—The number computed under this subparagraph for fiscal year 2008 is the difference (if any) between the worldwide level established under subparagraph (A) for the previous fiscal year and the number of visas issued under section 203(b)(2) during that fiscal year.''.

SA 1406. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 242, strike line 37 and all that follows through line 24, on page 250, and insert the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

(h) PUBLIC AVAILABILITY AND RECORDS RETENTION.—Section 212(n) of such Act, as amended by this section, is further amended, by adding at the end the following:

''(7) For each application filed under paragraph (1), the employer who filed the application shall—

''(A) upon request, provide a copy of the application and supporting documentation to every nonimmigrant employed by the employer under the application;

''(B) upon request, make available for public examination at the employer's place of business or worksite a copy of the application and supporting documentation;

''(C) upon request, make available a copy of the application and supporting documentation to the Secretary of Labor; and

''(D) retain a copy of the application and supporting documentation for at least 5 years after the date on which the application is filed.''.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

(g) ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.—

(1) IN GENERAL.—The Secretary of Labor shall increase by not less than 200 the number of positions to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(2) FUNDING.—Notwithstanding any other provision of law, the Secretary of Labor may use amounts in the Fraud Prevention and Detection Account made available to the Secretary pursuant to section 286(v)(2)(C) of the Immigration and Nationality Act (8 U.S.C. 1356(v)(2)(C)) to carry out paragraph (1).

SEC. 422. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of

Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) DEPARTMENT OF HOMELAND SECURITY PROCESSING OF BLANKET PETITION L VISAS.—

(1) IN GENERAL.—Paragraph (2)(A) of section 214(c) of such Act is amended to read as follows:

''(2)(A) The Secretary of Homeland Security shall provide for a procedure under which an importing employer which meets the requirements established by the Secretary of Homeland Security may file a blanket petition to import aliens as nonimmigrants described in section 101(a)(15)(L) instead of filing individual petitions under paragraph (1) to import such aliens. Such procedure shall permit the expedited adjudication by the Secretary of Homeland Security of individual petitions covered under such blanket petitions. Adjudication of blanket petitions or individual petitions covered under such blanket petitions may not be delegated by the Secretary of Homeland Security to the Secretary of State.''.

(2) FRAUD PREVENTION DETECTION FEES.—Paragraph (12)(B) of section 214(c) of such Act is amended to read as follows:

''(B) In addition to any other fees authorized by law, the Secretary of Homeland Security shall impose a fraud prevention and detection fee on an employer filing an individual petition covered under a blanket petition described in paragraph (2)(A) initially to grant an alien nonimmigrant status described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather

than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SA 1407. Mr. DURBIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 238, strike lines 41 and all that follows through line 21 on page 239, and insert the following:

(2) in paragraph (1), by amending subparagraph (A) to read as follows:

''(A) under section 101(a)(15)(H)(i)(b) may not exceed 200,000 for each fiscal year; or'';

(3) by striking paragraphs (6), (7), and (8), as redesignated by section 409(2);

(4) in paragraph (9), as redesignated by section 409(2)—

(A) in subparagraph (B), by striking clause (iv); and

(B) by striking subparagraph (D).

SA 1408. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. LABOR CONDITION APPLICATION.

Section 212(n)(1) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(1)) is amended—

(1) in subparagraph (D)—

(A) by striking ''(D) The application'' and inserting the following:

''(D) SPECIFICATIONS.—

''(i) IN GENERAL.—The application''; and

(B) by adding at the end the following:

''(ii) VERIFICATION OF EMPLOYER ID NUMBER.—The application shall be denied unless the Secretary of Labor verifies that the employer identification number provided on the application is valid and accurate.''; and

(2) in subparagraph (G)(i)—

(A) by striking ''In the case of an application described in subparagraph (E)(ii), subject'' and inserting ''Subject'';

(B) in subclause (I), by striking ''and'' at the end;

(C) in subclause (II), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(III) has posted, for a period of not less than 30 days, the available position on a public job bank website that—

''(aa) is accessible through the Internet;

''(bb) is national in scope;

''(cc) has been in operation on the Internet for at least the 18-month period ending on the date on which the position is posted;

''(dd) does not require a registration fee or membership fee to search the job postings of the website; and

''(ee) has a valid Federal or State employer identification number.''.

SA 1409. Mr. SCHUMER (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 281, after line 27, insert the following:

SEC. 509. INCREASING THE DOMESTIC SUPPLY OF NURSES AND PHYSICAL THERAPISTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2008, the Secretary of Health and Human Services shall submit to Congress a report on the shortage of nurses and physical therapists educated in the United States.

(2) CONTENTS.—The report required by paragraph (1) shall—

(A) include information from the most recent 3 years for which data are available;

(B) provide separate data for each occupation and for each State;

(C) separately identify the nurses and physical therapists receiving initial licenses in each State and the nurses and physical therapists licensed by endorsement from other States;

(D) identify, from among the nurses and physical therapists receiving initial licenses in each year, the number of such nurses and physical therapists who received professional educations in the United States and the number of such nurses and physical therapists who received professional educations outside the United States;

(E) to the extent possible, identify, by State of residence and the country in which each nurse or physical therapist received a professional education, the number of nurses and physical therapists who received professional educations in any of the 5 countries from which the highest number of nurses and physical therapists emigrated to the United States;

(F) identify the barriers to increasing the supply of nursing faculty in the United States, domestically trained nurses, and domestically trained physical therapists;

(G) recommend strategies for Federal and State governments to reduce such barriers, including strategies that address barriers that prevent health care workers, such as home health aides and nurse's assistants, from advancing to become registered nurses;

(H) recommend amendments to Federal law to reduce the barriers identified in subparagraph (F);

(I) recommend Federal grants, loans, and other incentives that would increase the supply of nursing faculty and training facilities for nurses in the United States, and recommend other steps to increase the number of nurses and physical therapists who receive professional educations in the United States;

(J) identify the effects of emigration by nurses on the health care systems in the countries of origin of such nurses;

(K) recommend amendments to Federal law to minimize the effects of shortages of nurses in the countries of origin of nurses who immigrate to the United States; and

(L) report on the level of Federal investment determined under subsection (b)(1) to be necessary to eliminate the shortage of nurses and physical therapists in the United States.

(b) CONSULTATION.—The Secretary of Health and Human Services shall—

(1) enter into a contract with the Institute of Medicine of the National Academies to determine the level of Federal investment under titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq.) that would be necessary to eliminate the shortage of nurses and physical therapists in the United States by January 1, 2015; and

(2) consult with other agencies in working with ministers of health or other appropriate officials of the 5 countries from which the highest number of nurses and physical therapists emigrated, as reported under subsection (a)(2)(E), to—

(A) address shortages of nurses and physical therapists in such countries caused by emigration; and

(B) provide the technical assistance needed to reduce further shortages of nurses and physical therapists in such countries.

(c) RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

(1) IN GENERAL.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note) is amended—

(A) in paragraph (1)—

(i) by inserting ''1996, 1997,'' after ''available in fiscal year''; and

(ii) by inserting ''group I,'' after ''schedule A,'';

(B) in paragraph (2)(A), by inserting ''1996, 1997, and'' after ''available in fiscal years''; and

(C) by adding at the end the following:

''(4) PETITIONS.—The Secretary of Homeland Security shall provide a process for reviewing and acting upon petitions with respect to immigrants described in schedule A not later than 30 days after the date on which a completed petition has been filed.''.

(2) APPLICABILITY.—Notwithstanding any provision of this Act or any amendment made by this Act, section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by paragraph (1), shall apply to petitions filed on or before the effective date set forth in section 502(d) of this Act for classification under paragraph (1), (2), or (3) of subsection (b), or subsection (d), of section 203 of the the Immigration and Nationality Act (as such section was in effect on the day before the date of the enactment of this Act).

SA 1410. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 308, strike line 35 and all that follows through page 314, line 10, and insert the following:

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(A) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under section 601(d)(1)(F)(ii) because the alien has been convicted of an aggravated felony (as that term is defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), may be placed forthwith in proceedings pursuant to section 238(b) of the Immigration and Nationality Act (8 U.S.C. 1228(b)).

(B) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (i), (iii), or (iv) of section 601(d)(1)(F) may be placed forthwith in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(C) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in subparagraph (A) or (B) shall represent the exhaustion of all review procedures for purposes of sections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding subsection (a)(2) of this section.

(2) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection an alien may file not more than 1 motion to reopen or to reconsider. The decision of the Secretary or Attorney General regarding whether to consider any such motion is committed to the discretion of the Secretary or the Attorney General, as the case may be.

(c) JUDICIAL REVIEW.—Section 242 of the Immigration and Nationality Act (8 U.S.C. 1252) is amended by adding at the end the following:

''(h) JUDICIAL REVIEW OF ELIGIBILITY DETERMINATIONS RELATING TO STATUS UNDER TITLE VI OF THE SECURE BORDERS, ECONOMIC OPPORTUNITY, AND IMMIGRATION REFORM ACT OF 2007.—

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, (or any other habeas corpus provision) and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, including, a denial, termination, or rescission of such status.

''(2) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS.—

''(A) DIRECT REVIEW.—

''(i) IN GENERAL.—A denial, termination, or rescission of status under section 601 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall be subject to judicial review in accordance with chapter 7 of title 5, United States Code, before the United States district court for the district in which the person resides, if the petition for review is filed not later than 30 days after the later of the date of the denial, termination, or rescission and the date of the mailing thereof.

''(ii) REVIEW.—For any petition filed under clause (i)—

''(I) the court shall review the challenge to the denial, termination, or rescission of status on the administrative record on which the denial, termination, or rescission by the Secretary of Homeland Security was based; and

''(II) an alien may file not more than 1 motion to reopen or reconsider proceedings brought under this section.

''(B) REVIEW AFTER REMOVAL PROCEEDINGS.—A denial, termination, or rescission of status under section 601 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 may be subject to judicial review in conjunction with judicial review of an order of removal, deportation, or exclusion if the validity of the denial, termination, or rescission of status has not been upheld in a prior judicial proceeding under subparagraph (A). Notwithstanding any other provision of law, the standard of review of such a denial, termination, or rescission of status shall be governed by subparagraph (C).

''(C) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the denial, termination, or rescission of status by the Secretary of Homeland Security under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, relating to any alien shall be based on the administrative record before the Secretary when the Secretary enters a final denial, termination, or rescission. The court may reverse or remand any final decision that is found to be arbitrary, capricious, unsupported by substantial evidence, or otherwise not in accordance with law.

''(D) STAY OF REMOVAL.—An alien seeking administrative or judicial review under this subsection shall not be removed from the United States until a final decision is rendered on the appeal of that alien.

''(E) CONFIDENTIALITY.—Information furnished or otherwise developed in judicial review proceedings shall be subject to the terms of section 604 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, relating to confidentiality. Appropriate measures shall be taken to ensure the confidentiality of this information, such as redacting identifying information from filings or, where necessary, filing documents under seal.

''(3) CHALLENGES ON VALIDITY OF THE SYSTEM.——

''(A) IN GENERAL.—Any claim that title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law may be made exclusively in an action instituted in an appropriate United States district court in accordance with the procedures under this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 from asserting that an action taken or decision made by the Secretary with respect to the status of the applicant under that title was contrary to law in a proceeding under section 603 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted by a person or entity under this paragraph—

''(i) if it asserts a claim that title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, or any regulation, written policy, or written directive issued by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise unlawful, shall be filed not later than 1 year after the date of the publication or promulgation of the challenged regulation, policy, or directive or, in cases challenging the validity of that Act, not later than 1 year after the date of the initial application of the provision being challenged; and

''(ii) if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution of the United States or is otherwise unlawful, be filed not later than 1 year after the date that plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with the Class Action Fairness Act of 2005 (Public Law 109–2; 119 Stat. 4), the amendments made by that Act, and the Federal Rules of Civil Procedure.

''(D) PRECLUSIVE EFFECT.—The final disposition of any claim brought under subparagraph (A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under section 603 the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under section 603 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.''.

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal department or agency, nor any officer, employee, or contractor of such department or agency, may—

(1) use the information furnished by an applicant under section 601, 602, or 603 or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, or any subsequent application, to extend such status under section 601, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602;

(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

(3) permit any person, other than an officer, employee, or contractor of such department or agency, or other entity approved by the Secretary of Homeland Security, to examine individual applications that have been filed under section 601, 602, or 603.

(b) EXCEPTIONS TO CONFIDENTIALITY.—

(1) IN GENERAL.—Subsection (a) shall not apply with respect to—

(A) an alien whose application has been denied, terminated, or revoked based on a finding by the Secretary of Homeland Security that the alien—

(i) is inadmissible under paragraph (2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of this Act), or (6)(E) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a));

(ii) is deportable under paragraph (1)(E), (1)(G), (2), or (4) of the section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a)); or

(iii) was physically removed and is subject to reinstatement pursuant to section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5));

(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked under section 601(d)(1)(F);

(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(D) an alien whom the Secretary determines has, in connection with the application of that alien under section 601 or 602, engaged in fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document; or

(E) an order from a court of competent jurisdiction.

SA 1411. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 202 and insert the following:

SEC. 202. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) IN GENERAL.—Section 241(a) (8 U.S.C. 1231(a)) is amended—

(1) by striking ''Attorney General'' each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting ''Secretary of Homeland Security'';

(2) in paragraph (1)—

(A) by amending subparagraph (C) to read as follows:

''(C) EXTENSION OF PERIOD.—

''(i) IN GENERAL.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during

such extended period if, during the removal period, the alien—

''(I) fails or refuses to make timely application in good faith for travel or other documents necessary to the alien's departure; or

''(II) conspires or acts to prevent the alien's removal.

''(ii) EFFECT OF SEEKING STAY OF REMOVAL.—An alien who seeks a stay of removal before an immigration judge, the Board of Immigration Appeals, or a Federal judge, shall not for that reason be deemed to be conspiring or acting to prevent the alien's removal.

''(iii) APPLICABILITY OF ADMINISTRATIVE AND JUDICIAL REVIEW PROVISIONS.—A determination to extend the removal period under this subparagraph beyond 180 days shall be made in accordance with the requirements of paragraph (9) and shall be subject to the administrative and judicial review provisions of such paragraph.''; and

(B) by adding at the end the following new subparagraph:

''(D) ALIENS NOT IN THE CUSTODY OF THE SECRETARY.—

''(i) DELAY OF REMOVAL PERIOD.—If, on the date determined under subparagraph (B), the alien is not in the custody of the Secretary of Homeland Security under the authority of this Act, the removal period shall not begin until the alien is taken into such custody.

''(ii) TOLLING OF REMOVAL PERIOD.—If the Secretary lawfully transfers custody of the alien during the removal period to another Federal agency or to a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled until the date on which the alien is returned to the custody of the Secretary.'';

(3) in paragraph (2)—

(A) by striking ''During the'' and inserting the following:

''(A) IN GENERAL.—During the''; and

(B) by adding at the end the following new subparagraph:

''(B) DETENTION DURING STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administrative final order of removal, the Secretary, in the exercise of the Secretary's discretion, may detain the alien during the pendency of such stay of removal.'';

(4) by amending paragraph (3)(D) to read as follows:

''(D) to obey reasonable restrictions on the alien's conduct or activities, or to perform affirmative acts, that the Secretary prescribes for the alien—

''(i) to prevent the alien from absconding; or

''(ii) for the protection of the community.'';

(5) in paragraph (6), by striking ''beyond the removal period'' and inserting ''for an additional 90 days'';

(6) by redesignating paragraph (7) as paragraph (10); and

(7) by inserting after paragraph (6) the following new paragraphs:

''(7) PAROLE.—

''(A) IN GENERAL.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the alien's parole or the alien's removal becomes reasonably foreseeable.

''(B) ADMISSION STATUS.—An alien described in subparagraph (A) shall in no circumstance be considered admitted.

''(8) AUTHORITY TO DETAIN FOR 90 DAYS BEYOND REMOVAL PERIOD.—The Secretary, in the exercise of the Secretary's discretion, may detain an alien for 90 days beyond the removal period if the removal of the alien is reasonably foreseeable.

''(9) ADDITIONAL RULES FOR DETENTION OR RELEASE OF ALIENS.—The following procedures shall apply to an alien detained under this section:

''(A) REGULATIONS.—

''(i) IN GENERAL.—The Secretary of Homeland Security shall prescribe regulations to establish an administrative process by which the Secretary shall determine—

''(I) whether an alien's removal period should be extended beyond 180 days pursuant to paragraph (1)(C); or

''(II) if the removal period is not extended, whether the alien should be detained or released beyond the removal period (or beyond the additional 90-day detention period if such a period is authorized under paragraph (6) or (8)).

''(ii) LIMITATION ON DETENTION.—The Secretary may detain an alien while a determination under clause (i) is pending only if the Secretary has initiated the administrative process established pursuant to clause (i) not later than 30 days after the expiration of the relevant period.

''(B) EVIDENCE.—In making a determination under subparagraph (A)(i), the Secretary—

''(i) shall consider any evidence submitted by the alien;

''(ii) may consider any other evidence, including—

''(I) any information or assistance provided by the Department of State or other Federal agency; and

''(II) any other information available to the Secretary of Homeland Security pertaining to the ability to remove the alien that otherwise would be admissible before an immigration judge.

''(C) AUTHORITY TO DETAIN FOR ADDITIONAL PERIOD.—The Secretary may detain an alien beyond the periods described in this subsection for additional periods of 180 days, renewable under subparagraph (D), until the alien is removed, if the Secretary—

''(i) determines that there is a significant likelihood that the alien will be removed in the reasonably foreseeable future;

''(ii) determines that the alien—

''(I) has failed to make timely application in good faith for travel or other documents necessary to secure the alien's departure; or

''(II) has otherwise conspired or acted to prevent his removal and there would be a significant likelihood of that the alien would be removed in the reasonably foreseeable future in the absence of such failure or conspiracy; or

''(iii) certifies in writing—

''(I) after consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety, in which case the alien may be detained only in a civil medical facility;

''(II) pursuant to section 236A, that there are reasonable grounds to believe that the release of the alien would threaten the national security of the United States;

''(III) that—

''(aa) the alien has been convicted of 1 or more aggravated felonies (as defined in section 101(a)(43)(A)), 1 or more attempts or conspiracies to commit any such aggravated felonies, or 1 or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense), for which the alien has served an aggregate term of imprisonment of not less than 5 years; and

''(bb) the Secretary has reason to believe that, because of a mental condition or personality disorder and behavior associated with such condition or disorder, the alien is likely to engage in acts of violence in the future or the alien's release would otherwise threaten the safety of the community or any person, notwithstanding any conditions of release, in which case the person shall be referred for civil commitment proceedings in the State in which the alien resides or, if the alien does not reside in a State, the State in which the alien is being detained.

''(D) RENEWAL OF DETENTION.—The Secretary may renew a determination or certification made under subparagraph (C) every 180 days after providing the alien with an opportunity to request reconsideration of the determination or certification and to submit documents or other evidence in support of such request. If the Secretary determines that continued detention is not warranted, the Secretary shall release the alien pursuant to subparagraph (G).

''(E) NONDELEGATION OF DETENTION DETERMINATIONS.—Notwithstanding any other provision of law, the Secretary may not delegate the authority provided under subparagraphs (C) and (D) to any employee below the level of Assistant Secretary for U.S. Immigration and Customs Enforcement.

''(F) REVIEW OF DETENTION DETERMINATIONS.—

''(i) REVIEW BY IMMIGRATION JUDGE.—A determination by the Secretary of Homeland Security to detain an alien under subparagraph (C) or (D) or to redetain an alien under subparagraph (H) shall be subject to review by an immigration judge in accordance with regulations to be prescribed by the Attorney General. Such regulations shall require an immigration judge to complete the review within 90 days. An immigration judge shall uphold the determination of the Secretary only if the Secretary establishes by clear and convincing evidence that the detention of the alien is authorized under subparagraph (C), (D), or (H).

''(ii) TIME PERIODS FOR ADMINISTRATIVE REVIEW.—For purposes of this subparagraph, a failure by the Secretary to reach a determination within 90 days of initiating the administrative process described in subparagraph (A) shall be treated as a determination to detain the alien.

''(iii) REVIEW IN FEDERAL COURT.—Notwithstanding any other provision of law, judicial review of an alien's detention under this section shall be available—

''(I) through only habeas corpus proceedings under section 2241 of title 28, United States Code; and

''(II) in the District Court of the United States in the district where the alien is detained or where removal proceedings against the alien were initiated.

''(G) RELEASE ON CONDITIONS.—If the Secretary determines that an alien should be released from detention, the Secretary may impose conditions on the release of the alien in accordance with the regulations prescribed pursuant to paragraph (3), including with respect to the use of electronic monitoring devices, the use of Federal or State mental or substance abuse treatment programs, and adherence to parole and probation requirements for aliens to whom such requirements apply under Federal or State law.

''(H) REDETENTION.—The Secretary may detain any alien subject to a final removal order who has previously been released from custody only if—

''(i) the alien fails to comply with the conditions of the alien's release; or

''(ii) upon reconsideration, the Secretary determines that the alien can be detained under subparagraph (C) or (D).

''(I) APPLICABILITY.—This paragraph and paragraphs (6) and (7) shall apply to any

alien returned to custody under subparagraph (H) as if the removal period terminated on the day of the alien's redetention.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a)—

(1) shall take effect on the date of the enactment of this Act; and

(2) shall apply to—

(A) any alien subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act, unless—

(i) that order was issued and the alien was subsequently released or paroled before the date of the enactment of this Act; and

(ii) the alien has complied with and remains in compliance with the terms and conditions of such release or parole; and

(B) any act or condition occurring or existing before, on, or after the date of the enactment of this Act.

SA 1412. Mr. FEINGOLD submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike line 28 and all that follows through page 47, line 13.

SA 1413. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 88, line 32, strike ''(2) Definition of employer.—'' and all that follows through line 34.

SA 1414. Mrs. LINCOLN (for herself and Mr. COLEMAN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, insert the following:

(e) PASSPORT APPLICATIONS.—

(1) IN GENERAL.—The programs referred to in subsection (a) shall not become effective until the Secretary of State submits a written certification to the President and Congress stating that the Department of State is processing and adjudicating passport applications for United States citizens in 6 weeks or less.

(2) PRESIDENTIAL PROGRESS REPORT.—The report required under subsection (c) shall describe the progress made in satisfying the requirement under paragraph (1).

SA 1415. Mrs. HUTCHISON (for herself, Mr. GRASSLEY, Mr. ENSIGN, Mr. ALLARD, and Ms. LANDRIEU) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike section 607 and insert the following:

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR PERIODS WITHOUT WORK AUTHORIZATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by striking subsection (c) and inserting the following new subsections:

''(c)(1) Except as provided in paragraph (2), for purposes of subsections (a) and (b), no quarter of coverage shall be credited for any calendar year beginning on or after January 1, 2004, with respect to an individual who is not a natural-born United States citizen, unless the Commissioner of Social Security determines, on the basis of information provided to the Commissioner in accordance with an agreement entered into under subsection (d) or otherwise, that the individual was authorized to be employed in the United States during such quarter.

''(2) Paragraph (1) shall not apply to an individual who was assigned a social security account number prior to January 1, 2004.

''(d) Not later than 180 days after the date of the enactment of this subsection, the Secretary of Homeland Security shall enter into an agreement with the Commissioner of Social Security to provide such information as the Commissioner determines necessary to carry out the limitation on crediting quarters of coverage under subsection (c).''.

(b) BENEFIT COMPUTATION.—Section 215(e) of the Social Security Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to benefit applications filed on or after the date that is 180 days after the date of the enactment of this Act based on the wages or self-employment income of an individual with respect to whom a primary insurance amount has not been determined under title II of the Social Security Act (42 U.S.C. 401 et seq.) before such date.

SA 1416. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 295, strike line 18 and all that follows through page 296, line 7, and insert the following:

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in paragraphs (1) and (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) and by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in such paragraphs (1) and (2) of such section 312(a).

(III) REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the Test of English as a Foreign Language (TOEFL) administered by the Educational Testing Service.

(IV) REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must retake the TOEFL and receive the lower of—

(aa) a score of not less than 70; or

(bb) a score of not less than 20 points higher than the score the alien received when the alien took the TOEFL pursuant to subclause (III).

(V) EXCEPTION.—The requirements of subclauses (I), (II), (III), and (IV) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

SA 1417. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 32 and 33, insert the following:

(9) GOOD MORAL CHARACTER.—The alien shall establish that the alien has been a person of good moral character, as described in section 101(f) of the Immigration and Nationality Act (8 U.S.C. 1101(f)), for the entire period of the alien's unlawful presence in the United States.

SA 1418. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 3, line 25 insert the following new subsection:

(6) The U.S. Visit System: The integrated entry and exit data system required by 8 U.S.C. 1365a (Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996), which is already 17 months past its required implementation date of December 21, 2005, has been fully implemented and is functioning at every land, sea, and air port of entry.

SA 1419. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike page 10, line 32 through page 11, line 11 and insert the following:

''Section 236(a)(2) (8 U.S.C. 1226(a)(2)) is amended—

(1) by adding '', and'' at the end of subsection (a)(3), and

(2) by adding a new subsection (a)(4) that reads ''may not provide the alien with release on bond or with conditional parole if the alien is a national of a noncontiguous country, has not been admitted or paroled into the United States, and was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the secretary of Homeland Security.''

SA 1420. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 52, between line 18 and 19, insert the following:

''(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.''

SA 1421. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 52, between line 18 and 19, insert the following:

(D) knowingly violates for a period of 90 days or more the terms or conditions of the alien's admission or parole into the United States.

SA 1422. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Notwithstanding any other provision of this Act a Y–1 Nonimmigrant:

(1) may be extended for an indefinite number of subsequent two-year periods, as long as each two-year period is separated by physical presence outside the United States for the immediate prior 12 months,

(2) may not be accompanied by their spouse and dependents for any of their 2 year periods of work in the United States, and

(3) may not sponsor a family member to visit them in the United States under the ''parent visa'' created by Section 506 of this Act.

SA 1423. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sec. 506(a), strike the following sentence:

''The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure;''

SA 1424. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 501, insert the following subsection:

(d) Notwithstanding any other provision of this Act for each fiscal year starting with the enactment of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, 10,000 of the immigrant visas set aside under 503(c) of this Act for parents will be made available to aliens seeking immigrant visas under section 203(b) of the Immigration and Nationality Act based on achieving a score in the top 10 percentile on the Scholastic Aptitude Test (SAT) or the American College Testing (ACT) placement exam for that year. The test, the SAT or the ACT, must be taken in English for the immigrant to qualify. If more than 10,000 foreign applicants with the requisite SAT or ACT score apply, then the top 10,000 of the pool of applicants for that year will receive immigrant visas.

SA 1425. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sections 501 and 502, strike the ''supplemental schedule for Zs'' in its entirety and at the end of Section 502(b), insert a new subsection (G) that reads:

(G) Notwithstanding any other provision of this Act, aliens described in section 101(a)(15)(Z) of this Act must compete with all other applicants through the merit based evaluation system established under this subsection for merit based immigrant visas available under section 501 of this Act.

SA 1426. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in Sections 501 and 502, strike the ''supplemental schedule for Zs'' in its entirety and at the end of Section 502(b), insert new subsections (G) and (H) that read:

''(G) Notwithstanding any other provision of this Act, aliens described in section 101(a)(15)(Z) of this Act must achieve the same point threshold required for all other applicants to the merit based evaluation system established under this subsection.

''(H) Aliens described in section 101 (a)(15)(Z) shall be exempt from the annual cap on merit based green card as set by Section 501 of this Act.

SA 1427. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place on page 295, line 18 through page 296, line 2, insert the following changes:

Page 295, line 29, insert ''and'' between ''(2)'' and ''by demonstrating'';

Strike Page 295, line 38—page 296, line 2;

Adding a new (III) that reads: ''REQUIREMENT AT THIRD RENEWAL.—At or before the time of application for the third extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the TOEFL test which is administered by the Educational Testing Service.'';

Adding a new (IV) that reads: ''REQUIREMENT AT FOURTH RENEWAL.—At or before the time of application for the fourth extension of Z nonimmigrant status, an alien who is 18 years of age or older must take the TOEFL test as administered by the Educational Testing Service and receive a score 20 points higher than the first time they took the TOEFL test for the third renewal, or a score of 70, whichever is lower.'';

Changing (III) to (V) on page 296 line 3;

On p. 296 line 4, strike ''(I) and (II)'' and insert ''(I), (II)'' (III), and (IV)''.

SA 1428. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section 601(e), insert the following at the end of section 601(e)(8):

''(9) GOOD MORAL CHARACTER.—To be eligible for any Z nonimmigrant status, the alien must establish that the alien has been a person of good moral character, as defined in 8 U.S.C. §1101(f), I.N.A. §101(f), for his or her entire period of illegal presence in the United States.

SA 1429. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section (f)(2), strike the last sentence of subsection (2).

SA 1430. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In the appropriate place in section (f)(2), strike the last sentence of subsection (2).

SA 1431. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 607, and replace with the following:

SEC 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by:

(1) amending subsection (c) by deleting ''For'' and inserting ''Except as provided in subsection (e), for''; and

(2) adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number:

(a) such quarter of coverage is earned prior to the year in which such social security account number is assigned; or

(b) if such quarter of coverage was earned after the individuals visa or work authorization had expired.''.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

''(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual.''

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '';and''; and

(3) by adding at the end of the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''

(c) Effective date—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SA 1432. Mr. SESSIONS submitted an amendment intended to be proposed by

him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 10, strike line 30 and all that follows through page 11, line 11, and insert the following:

SEC. 113. DETENTION OF ALIENS FROM NONCONTIGUOUS COUNTRIES.

Section 236(a) (8 U.S.C. 1226(a)) is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2)(B), by striking ''but'' at the end;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(4) may not provide the alien with release on bond or with conditional parole if the alien—

''(A) is a national of a noncontiguous country;

''(B) has not been admitted or paroled into the United States; and

''(C) was apprehended within 100 miles of the international border of the United States or presents a flight risk, as determined by the Secretary of Homeland Security.''.

SA 1433. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 265, between lines 30 and 31, insert the following:

(d) VISAS FOR HIGH ACHIEVING FOREIGN STUDENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this Act, any amendment made by this Act, or any other provision of law, for each fiscal year beginning after the date of the enactment of this Act, 10,000 of the immigrant visas allocated by section 203(a)(1) of the Immigration and Nationality Act for parents of a citizen of the United States shall be made available to aliens seeking immigrant visas under section 203(b) of the Immigration and Nationality Act who—

(A) achieve a score in the top 10th percentile on the Scholastic Aptitude Test or the American College Testing placement exam administered in that fiscal year; and

(B) take the exams described in subparagraph (A) in the English language.

(2) LIMITATION.—If more than 10,000 aliens described in paragraph (1) apply for immigrant visas in a fiscal year, the 10,000 such aliens with the highest scores on the exams described in paragraph (1)(A) shall receive immigrant visas.

SA 1434. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 276, beginning on line 38, strike ''. The requirement that the alien have a residence in a foreign country which the alien has no intention of abandoning shall not apply to an alien described in section 214(s) who is seeking to enter as a temporary visitor for pleasure''.

SA 1435. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 316, line 16, insert ''or, if such quarter of coverage is earned after the individual's visa or work authorization has expired'' before the period at the end.

SA 1436. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 260, strike line 3 and all that follows through page 268, line 35, and insert the following:

SEC. 501. REBALANCING OF IMMIGRANT VISA ALLOCATION.

(a) FAMILY-SPONSORED IMMIGRANTS.—Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

''(c) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

''(1) For each fiscal year until visas needed for petitions described in section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 become available, the worldwide level of family-sponsored immigrants under this subsection is 567,000 for petitions for classifications under section 203(a), plus any immigrant visas not required for the class specified in subsection (d).

''(2) Except as provided in paragraph (1), the worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 127,000, plus any immigrant visas not required for the class specified in subsection (d).''.

(b) MERIT-BASED IMMIGRANTS.—Section 201(d) (8 U.S.C. 1151(d)) is amended to read as follows:

''(d) WORLDWIDE LEVEL OF MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—The worldwide level of merit-based, special, and employment creation immigrants under this subsection—

''(1) for the first 5 fiscal years shall be equal to the number of immigrant visas made available to aliens seeking immigrant visas under section 203(b) for fiscal year 2005, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(B) 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(2) starting in the sixth fiscal year, shall be equal to 140,000 for each fiscal year until aliens described in section 101(a)(15)(Z) first become eligible for an immigrant visa, plus any immigrant visas not required for the class specified in subsection (c), of which—

''(A) at least 10,000 will be for exceptional aliens in nonimmigrant status under section 101(a)(15)(Y); and

''(B) not more than 90,000 will be for aliens who were the beneficiaries of an application that was pending or approved on the effective date of this section, as described in section 502(d) of the 'Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007'; and

''(3) 380,000, for each fiscal year starting in the first fiscal year in which aliens described in section 101(a)(15)(Z) become eligible for an immigrant visa, of which at least 10,000 will be for exceptional aliens of nonimmigrant status under section 101(a)(15)(Y), plus any immigrant visas not required for the class specified in subsection (c).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment.

SEC. 502. INCREASING AMERICAN COMPETITIVENESS THROUGH A MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States benefits from a workforce that has diverse skills, experience, and training.

(b) CREATION OF MERIT-BASED EVALUATION SYSTEM FOR IMMIGRANTS AND REALLOCATION OF VISAS.—Section 203(b) (8 U.S.C. 1153(b)) is amended—

(1) by striking paragraphs (1) through (3) and inserting the following:

''(1) MERIT-BASED IMMIGRANTS.—Visas shall first be made available in a number not to exceed 95 percent of such worldwide level, plus any visas not required for the classes in paragraphs (2) and (3), to qualified immigrants selected through a merit-based evaluation system.

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	**Description**	**Maximum points**
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)–**20 pts** U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)–**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year–**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or 2) attests for a current employee–**6 pts**	
Experience	Years of work for U.S. firm–**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39–**3 points**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.–**20 pts** Bachelor's Degree–**16 pts** Associate's Degree–**10 pts** High school diploma or GED–**6 pts** Completed certified Perkins Vocational Education program–**5 pts** Completed Department of Labor Registered Apprenticeship–**8 pts** STEM, associates and above–**8 pts**	**28**
"English and civics	Native speaker of English or TOEFL score of 75 or higher–**15 pts** TOEFL score of 60-74–**10 pts** Pass USCIS Citizenship Tests in English & Civics–**6 pts**	**15**

"Category	Description	Maximum points
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen–**8 points** Adult (21 or older) son or daughter of a legal permanent resident–**6 pts** Sibling of United States citizen or LPR–**4 pts** If had applied for a family visa in any of the above categories after May 1, 2005–**2 pts**	**10**
"Total		**100**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).

''(G) Notwithstanding any other provision of this Act or the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, aliens described in section 101(a)(15)(Z) shall compete with all other applicants through the merit based evaluation system established under this subsection for merit based immigrant visas available under section 201(d).'';

(2) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively;

(3) in paragraph (2), as redesignated—

(A) by striking ''7.1 percent'' and inserting ''4,200''; and

(B) striking ''5,000'' and inserting ''2,500''; and

(4) in paragraph (3), as redesignated—

(A) by striking ''7.1 percent'' and inserting ''2,800''; and

(B) striking ''3,000'' and inserting ''1,500''.

(c) PROCEDURE FOR GRANTING IMMIGRANT STATUS.—Section 204(a)(1) (8 U.S.C. 1154(a)(1)) is amended by striking subparagraphs (E) and (F).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall take effect on the first day of the fiscal year subsequent to the fiscal year of enactment, unless such date is less than 270 days after the date of enactment, in which case the amendments shall take effect on the first day of the following fiscal year.

(2) PENDING AND APPROVED PETITIONS AND APPLICATIONS.—Petitions for an employment-based visa filed for classification under paragraph (1), (2), or (3) of section 203(b) of the Immigration and Nationality Act (8 U.S.C. 1153(b) (as such provisions existed prior to the enactment of this section) that were filed prior to the date of the introduction of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and were pending or approved at the time of the effective date of this section, shall be treated as if such provisions remained effective and an approved petition may serve as the basis for issuance of an immigrant visa. Aliens with applications for a labor certification pursuant to section 212(a)(5)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)(A)) shall preserve the immigrant visa priority date accorded by the date of filing of such labor certification application.

(e) CONFORMING AMENDMENTS.—

(1) Section 201 (8 U.S.C. 1151) is amended by striking ''employment-based'' each place it appears and inserting ''merit-based''.

(2) Section 202 (8 U.S.C. 1152) is amended by striking ''employment-based'' each place it appears and inserting ''merit-based''.

(3) Section 203(b) (8 U.S.C. 1153(b)) is amended—

(A) by amending the matter preceding paragraph (1) to read as follows:

''(b) PREFERENCE ALLOCATION FOR MERIT-BASED, SPECIAL, AND EMPLOYMENT CREATION IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(d) for merit-based, special, and employment creation immigrants in a fiscal year shall be allotted visas as follows:'';

(B) in paragraph (6)(B)(i)—

(i) by striking ''employment-based'' and inserting ''merit-based''; and

(ii) by striking ''paragraphs (1), (2), and (3)'' and inserting ''paragraph (1)''; and

(C) in paragraph (6)(B)(iii)—

(i) by striking ''employment-based'' and inserting ''merit-based''; and

(ii) by striking ''each of paragraphs (1) through (3)'' and inserting ''paragraph (1)''.

(4) Section 212(a)(4) (8 U.S.C. 1182(a)(4)) is amended by striking subparagraph (D).

(5) Section 213A(f) (8 U.S.C. 1183a(f)) is amended—

(A) by striking paragraph (4);

(B) by striking paragraph (5) and inserting the following:

''(4) NON-PETITIONING CASES.—Such term also includes an individual who does not meet the requirement of paragraph (1)(D) but who is a spouse, parent, mother-in-law, father-in-law, sibling, child (if at least 18 years of age), son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in-law, grandparent, or grandchild of a sponsored alien or a legal guardian of a sponsored alien, meets the requirements of paragraph (1) (other than subparagraph (D)), and executes an affidavit of support with respect to such alien in a case in which—

''(A) the individual petitioning under section 204 for the classification of such alien died after the approval of such petition; and

''(B) the Secretary of Homeland Security has determined for humanitarian reasons that revocation of such petition under section 205 would be inappropriate.'';

(C) by redesignating paragraph (6) as paragraph (5); and

(D) by striking ''(6)'' and inserting ''(5)''.

(6) Section 212(a) (8 U.S.C. 1182(a)) is amended by striking paragraph (5).

(7) Section 218(g)(3) (8 U.S.C. 1188) is amended by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).

(8)(A) Section 207(c)(3) (8 U.S.C. 1157(c)(3)) is amended by striking '', (5),'' in the first sentence.

(B) Section 209(c) (8 U.S.C. 1159(c)) is amended by striking '', (5),'' in the second sentence.

(C) Section 210(c)(2)(A) (8 U.S.C. 1160(c)(2)(A)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(D) Section 237(a)(1)(H)(i)(II) (8 U.S.C. 1227(a)(1)(H)(i)(II)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(E) Section 245(h)(2)(A) (8 U.S.C. 1255(h)(2)(A)) is amended by striking '', (5)(A),''.

(F) Section 245A(d)(2)(A) (8 U.S.C. 1255a(d)(2)(A)) is amended by striking ''paragraphs (5) and'' and inserting ''paragraph''.

(G) Section 286(s)(6) (8 U.S.C. 1356(s)(6)) is amended by striking ''and section 212(a)(5)(A)''.

(f) REFERENCES TO SECRETARY OF HOMELAND SECURITY.—

(1) Section 203 (8 U.S.C. 1153) is amended by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''.

(2) Section 204 (8 U.S.C. 1154) is amended by striking ''Attorney General'' each place it appears, except for section 204(f)(4)(B), and inserting ''Secretary of Homeland Security''.

SA 1437. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1(a), insert the following:

(7) US–VISIT SYSTEM.—The integrated entry and exit data system required to be fully implemented by December 31, 2005, under section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1365a), has been fully implemented and is functioning at every land, sea, and air port of entry into the United States.

SA 1438. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Section 606 and replace with,

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status.

SA 1439. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 262, strike line 34 and all that follows through page 265, line 15, and insert the following:

''(A) The merit-based evaluation system shall initially consist of the following criteria and weights:

"Category	Description	Maximum points
"Employment		**47**
Occupation	U.S. employment in specialty occupation (as defined by the Department of Labor)—**20 pts**	
	U.S. employment in high demand occupation (the 30 occupations that have grown the most in the preceding 10-year period, as determined by the Bureau of Labor Statistics)—**16 pts**	
National interest/critical infrastructure	U.S. employment in STEM or health occupation, current for at least 1 year—**8 pts** (extraordinary or ordinary)	
Employer endorsement	A U.S. employer willing to pay 50% of a legal permanent resident's application fee either 1) offers a job, or (2) attests for a current employee—**6 pts**	
Experience	Years of work for U.S. firm—**2 pts/year** (max 10 points)	
Age of worker	Worker's age: 25-39—**3 pts**	
"Education (terminal degree)	M.D., M.B.A., Graduate degree, etc.—**20 pts**	**28**
	Bachelor's Degree—**16 pts**	
	Associate's Degree—**10 pts**	
	High school diploma or GED—**6 pts**	
	Completed certified Perkins Vocational Education program—**5 pts**	
	Completed Department of Labor Registered Apprenticeship—**8 pts**	
	STEM, associates and above—**8 pts**	
"English and civics	Native speaker of English or TOEFL score of 75 or higher—**15 pts**	**15**
	TOEFL score of 60–74—**10 pts**	
	Pass USCIS Citizenship Tests in English & Civics—**6 pts**	
"Extended family (Applied if threshold of 55 in above categories)	Adult (21 or older) son or daughter of United States citizen—**8 pts**	**10**
	Adult (21 or older) son or daughter of a legal permanent resident—**6 pts**	
	Sibling of United States citizen or LPR—**4 pts**	
	If had applied for a family visa in any of the above categories after May 1, 2005—**2 pts**	
"Total		**100**

''(B) The Secretary of Homeland Security, after consultation with the Secretary of Commerce and the Secretary of Labor, shall establish procedures to adjudicate petitions filed pursuant to the merit-based evaluation system. The Secretary may establish a time period in a fiscal year in which such petitions must be submitted.

''(C) The Standing Commission on Immigration and Labor Markets established pursuant to section 407 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 shall submit recommendations to Congress concerning the establishment of procedures for modifying the selection criteria and relative weights accorded such criteria in order to ensure that the merit-based evaluation system corresponds to the current needs of the United States economy and the national interest.

''(D) No modifications to the selection criteria and relative weights accorded such criteria that are established by the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 should take effect earlier than the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa.

''(E) The application of the selection criteria to any particular visa petition or application pursuant to the merit-based evaluation system shall be within the Secretary's sole and unreviewable discretion.

''(F) Any petition filed pursuant to this paragraph that has not been found by the Secretary to have qualified in the merit-based evaluation system shall be deemed denied on the first day of the third fiscal year following the date on which such petition was filed. Such denial shall not preclude the petitioner from filing a successive petition pursuant to this paragraph. Notwithstanding this paragraph, the Secretary may deny a petition when denial is appropriate under other provisions of law, including but not limited to section 204(c).

''(G) Notwithstanding any other provision of this Act, an alien seeking Z nonimmigrant status pursuant to section 101(a)(15)(Z) shall—

''(i) be subject to the requirements of the merit-based evaluation system in the same manner and to the same extent as aliens seeking visas under this section; and

''(ii) shall be exempt from the worldwide level of merit-based, special, and employment creation immigrants provided under section 201(d).''.

SA 1440. Mrs. HUTCHISON (for herself, Mr. CORKER, and Mr. ALEXANDER) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike Title VI and insert the following:

TITLE VI—NONIMMIGRANTS IN THE UNITED STATES PREVIOUSLY IN UNLAWFUL STATUS

SEC. 601.

(a) IN GENERAL.—Notwithstanding any other provision of law (including section 244(h) of the Immigration and Nationality Act (hereinafter ''the Act'') (8 U.S.C. 1254a(h)), the Secretary may permit an alien, or dependent of such alien, described in this section, to remain lawfully in the United States under the conditions set forth in this Title.

(b) DEFINITION OF Z NONIMMIGRANTS.—Section 101(a)(15) of the Act (8 U.S.C. 1101(a)(15)) is amended by inserting at the end the following new subparagraph:

''(Z) subject to Title VI of the [Insert title of Act], an alien who—

''(i) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, is employed, and seeks to continue performing labor, services or education; or

''(ii) is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and

''(I) is the spouse or parent (65 years of age or older) of an alien described in (i); or

''(II) was, within two years of the date on which [NAME OF THIS ACT] was introduced, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant.

''(iii) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph, is physically present in the United States, has maintained continuous physical presence in the United States since January 1, 2007, and was born to or legally adopted by at least one parent who is at the time of application described in (i) or (ii).''

(c) PRESENCE IN THE UNITED STATES.—

(1) IN GENERAL.—The alien shall establish that the alien was not present in lawful status in the United States on January 1, 2007, under any classification described in section 101 (a)(15) of the Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(2) CONTINUOUS PRESENCE.—For purposes of this section, an absence from the United States without authorization for a continuous period of 90 days or more than 180 days in the aggregate shall constitute a break in continuous physical presence.

(d) OTHER CRITERIA.—

(1) GROUNDS OF INELIGIBILITY.—An alien is ineligible for Z nonimmigrant status if the Secretary determines that the alien—

(A)(i) is inadmissible to the United States under section 212(a) of the Act (8 U.S.C. 1182(a)), provided that to be deemed inadmissible, nothing in this paragraph shall require the Secretary to have commenced removal proceedings against an alien;

(B) is subject to the execution of an outstanding administratively final order of removal, deportation, or exclusion;

(C) is described in or is subject to section 241(a)(5) of the Act;

(D) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(E) is an alien—

(i) for whom there are reasonable grounds for believing that the alien has committed a serious criminal offense as described in section 101(h) of the Act outside the United States before arriving in the United States; or

(ii) for whom there are reasonable grounds for regarding the alien as a danger to the security of the United States; or

(F) has been convicted of—

(i) a felony;

(ii) an aggravated felony as defined at section 101(a)(43) of the Act;

(iii) 3 or more misdemeanors under Federal or State law; or

(iv) a serious criminal offense as described in section 101(h) of the Act;

(G) has entered or attempted to enter the United States illegally on or after January 1, 2007; and

(H) with respect to an applicant for Z–2 or Z–3 nonimmigrant status, a Z–2 nonimmigrant, or a Z–3 nonimmigrant who is under 18 years of age, the alien is ineligible for Z nonimmigrant status if the principal 2–1 nonimmigrant or 2–1 nonimmigrant status applicant is ineligible.

(I) The Secretary may in his discretion waive ineligibility under subparagraph (B) or (C) if the alien has not been physically removed from the United States and if the alien demonstrates that his departure from the United States would result in extreme hardship to the alien or the alien's spouse, parent or child.

(2) GROUNDS OF INADMISSIBILITY.—

(A) IN GENERAL.—In determining an alien's admissibility under paragraph (1)(A)—

(i) paragraphs (6)(A)(i) (with respect to an alien present in the United States without being admitted or paroled before the date of application, but not with respect to an alien who has arrived in the United States on or after January 1, 2007), (6)(B), (6)(C)(i), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Act shall not apply, but only with respect to conduct occurring or arising before the date of application;

(ii) the Secretary may not waive—

(I) subparagraph (A), (B), (C), (D)(ii), (E), (F), (G), (H), or (I) of section 212(a)(2) of the Act (relating to criminals);

(II) section 212(a)(3) of the Act (relating to security and related grounds);

(iii) with respect to an application for Z nonimmigrant status, section 212(a)(6)(C)(i) of the Act;

(IV) paragraph (6)(A)(i) of section 212(a) of the Act (with respect to any entries occurring on or after January 1, 2007);

(V) section 212(a)(9)(C)(i)(II);

(VI) subparagraph (A), (C), or (D) of section 212(a)(10) of the Act (relating to polygamists, child abductors, and unlawful voters);

(iii) the Secretary may in his discretion waive the application of any provision of section 212(a) of the Act not listed in subparagraph (B) on behalf of an individual alien for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest; and

(B) CONSTRUCTION.—Nothing in this paragraph shall be construed as affecting the authority of the Secretary other than under this paragraph to waive the provisions of section 212(a) of the Act.

(e) ELIGIBILITY REQUIREMENTS.—To be eligible for Z nonimmigrant status an alien shall meet the following and any other applicable requirements set forth in this section:

(I) ELIGIBILITY.—The alien must not fall within a class of aliens ineligible for Z nonimmigrant status listed under subsection (d)(1).

(2) ADMISSIBILITY.—The alien must not be inadmissible as a nonimmigrant to the United States under section 212, except as provided in subsection (d)(2), regardless of whether the alien has previously been admitted to the United States.

(3) PRESENCE.—To be eligible for Z–1 or Z–2 nonimmigrant status, or for nonimmigrant status under section 101(a)(15)(Z)(iii)(I), the alien must—

(A) have been physically present in the United States before January 1, 2007, and have maintained continuous physical presence in the United States since that date;

(B) be physically present in the United States on the date of application for Z nonimmigrant status; and

(C) be on January 1,2007, and on the date of application for Z nonimmigrant status, not present in lawful status in the United States under any classification described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) or any other immigration status made available under a treaty or other multinational agreement that has been ratified by the Senate.

(4) EMPLOYMENT.—An alien seeking Z–1 nonimmigrant status must be employed in the United States on the date of filing of the application for Z–1 nonimmigrant status.

(5) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single Z nonimmigrant.

(ii) An alien applying for extension of his Z nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,500 for a single Z nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z-l nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a $500 penalty for each alien seeking Z–2 or Z–3 nonimmigrant status derivative to the Z–1 applicant.

(iii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, an alien making an initial application for Z-l nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(6) HOME APPLICATION.—An alien granted probationary status under subsection (h) shall not be eligible for Z nonimmigrant status until the alien has completed the following home application requirements:

(i) HOME APPLICATION FOR Z NONIMMIGRANT VISA.—An alien awarded probationary status who seeks to become a Z-l or Z-A nonimmigrant must, within two years of being awarded a secure ID card under subsection j), perfect the alien's application for Z-l or Z-A nonimmigrant status at a United States consular office by submitting a supplemental certification in accordance with the requirements set forth in subparagraph (ii). The alien shall present his secure ID card at the United States consular office which shall then be marked or embossed with a designation as determined by the Secretaries of State and Homeland Security which will distinguish the card as satisfying all Z-l or Z-A requirements. The probationary status of an alien seeking to become a Z-l or Z-A nonimmigrant who fails to complete the requirements of this paragraph shall be terminated in accordance with subsection (o)(l)(G).

(ii) CONSULAR APPLICATION.—

(I) IN GENERAL.—An alien granted probationary status who seeks to become a Z-l or Z-A nonimmigrant must perfect the alien's application by filing a supplemental certification in person at a United States consulate abroad within two years of being awarded a secure ID card under subsection (j).

(II) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, an alien in probationary status who is seeking to become a Z-l or Z-A nonimmigrant shall file a supplemental certification at a consular office in the alien's country of origin. A consular office in a country that is not the alien's country of origin as a matter of discretion may, or at the direction of the Secretary of State shall, accept a supplemental certification from such an alien.

(III) CONTENTS OF SUPPLEMENTAL CERTIFICATION.—An alien in probationary status who is seeking to become a Z-l or Z-A nonimmigrant shall certify, in addition to any other certifications specified by the Secretary, that the alien has during the period of the alien's probationary status remained continuously employed in accordance with the requirements of subsection (m) and has paid all tax liabilities owed by the alien pursuant to the procedures set forth in section 602(a)(8). An alien making a false certification under this subparagraph shall be terminated pursuant to subsection (0)(1)(C).

(iii) EXEMPTIONS.—Subparagraphs (i) and (ii) shall not apply to an alien who, on the date on which the alien is granted a secure ID card under subsection (j), is exempted from the employment requirements under subsection (m)(1)(B)(iii).

(iv) FAILURE TO ESTABLISH LAWFUL ADMISSION TO THE UNITED STATES.—Unless exempted under subparagraph (iii), an alien in probationary status who is seeking to become a Z-l or Z-A nonimmigrant who fails to depart and reenter the United States in accordance with subparagraphs (i) and (ii) may not be issued a Z-l or Z-A nonimmigrant visa under this section.

(v) DEPENDENTS.—An alien in probationary status who is seeking to become a Z–2, Z–3 or Z–A dependent nonimmigrant shall be awarded Z–2, Z–3 or Z–A dependent nonimmigrant status upon satisfaction of the requirements set forth in subparagraphs (i) and (ii) by the principal Z–1 or Z–A nonimmigrant. An alien in probationary status who is seeking to become a Z–2, Z–3 or Z–A dependent nonimmigrant and whose principal Z–1 or Z–A nonimmigrant fails to satisfy the requirements of subparagraphs (i) and (ii) may not be issued a Z–2, Z–3 or Z–A dependent nonimmigrant visa under this section unless the principal Z–1 or Z–A alien is exempted under subparagraph (iii).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland SecUrity shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the [NAME OF THIS ACT], the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of one year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the one-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the

Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(4) HOME APPLICATION.—No alien shall be awarded Z nonimmigrant status until the alien has completed the home application requirement set forth in subsection (e)(6).

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining probationary status.

(2) APPLICATION INFORMATION.—

(A) IN GENERAL.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(B) STATUS.—An alien applying for Z nonimmigrant status shall be required to specify on the application whether the alien ultimately seeks to be awarded Z–1, Z–2, or Z–3 nonimmigrant status.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under paragraphs (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary status in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY STATUS.—No alien shall be granted probationary status until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY CARD.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in that paragraph. The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary status and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than six months after the date on which the Secretary begins to issue secure ID cards under subsection (j).

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of a secure ID card, as described in subsection (0), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under Section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of

(a) presence or employment required under this section, or

(b) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (A) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(I) bank records;

(II) business records;

(III) employer records;

(IV) records of a labor union or day labor center;

(V) remittance records;

(VI) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(a) the name, address, and telephone number of the affiant;

(b) the nature and duration of the relationship between the affiant and the alien; and

(c) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(i) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(ii) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) SECURE ID CARD EVIDENCING STATUS.—

(1) IN GENERAL.—Documentary evidence of status shall be issued to each Z nonimmigrant.

(2) FEATURES OF SECURE ID CARD.—Documentary evidence of Z nonimmigrant status:

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry.

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be four years, which shall begin to run on the date that the alien was first awarded a secure ID card under subsection (j).

(2) EXTENSIONS.—

(A) IN GENERAL.—nonimmigrants may seek an indefinite number of four-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status;

(ii) ENGLISH LANGUAGE AND CIVICS.—

''(I) Requirement at first renewal.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to three attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or (cc) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a single Z nonimmigrant.

(C) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—An alien applying for extension of Z nonimmigrant status may be required to submit to a renewed security and law enforcement background check that must be completed to the satisfaction of the Secretary of Homeland Security before such extension may be granted.

(D) TIMELY FILING AND MAINTENANCE OF STATUS.—

(i) IN GENERAL.—An extension of stay under this paragraph, or a change of status to another Z nonimmigrant status under subsection (1), may not be approved for an applicant who failed to maintain Z nonimmigrant status or where such status expired or terminated before the application was filed.

(ii) EXCEPTION.—Failure to file before the period of previously authorized status expired or terminated may be excused in the discretion of the Secretary and without separate application, with any extension granted from the date the previously authorized stay expired, where it is demonstrated at the time of filing that:

(I) the delay was due to extraordinary circumstances beyond the control of the applicant, and the Secretary finds the delay commensurate with the circumstances; and

(II) the alien has not otherwise violated his Z nonimmigrant status.

(iii) EXEMPTIONS FROM PENALTY AND EMPLOYMENT REQUIREMENTS.—An alien demonstrating extraordinary circumstances under clause (ii), including the spouse of a Z–1 nonimmigrant who has been battered or has been the subject of extreme cruelty perpetrated by the Z–1 nonimmigrant, and who is changing to Z–1 nonimmigrant status, may be exempted by the Secretary, in his discretion, from the requirements under subsection (m) for a period of up to 180 days.

(E) BARS TO EXTENSION.—Except as provided in subparagraph (D), a Z nonimmigrant shall not be eligible to extend such nonimmigrant status if:

(i) the alien has violated any term or condition of his or her Z nonimmigrant status, including but not limited to failing to comply with the change of address reporting requirements under section 265;

(ii) the period of authorized admission of the Z nonimmigrant has been terminated for any reason; or

(iii) with respect to a Z–2 or Z–3 nonimmigrant, the principal alien's Z–1 nonimmigrant status has been terminated.

(1) CHANGE OF STATUS.—

(1) CHANGE FROM Z NONIMMIGRANT STATUS.—

(A) IN GENERAL.—A Z nonimmigrant may not change status under section 248 to another nonimmigrant status, except another Z nonimmigrant status or status under subparagraph (U) of section 101(a)(15).

(B) CHANGE FROM Z-A STATUS.—A Z-A nonimmigrant may change status to Z nonimmigrant status at the time of renewal referenced in section 214A(j)(1)(C) of the Immigration and Nationality Act.

(C) LIMIT ON CHANGES.—A Z nonimmigrant may not change status more than one time per 365–day period. The Secretary may, in his discretion, waive the application of this subparagraph to an alien if it is established to the satisfaction of the Secretary that application of this subparagraph would result in extreme hardship to the alien.

(2) NO CHANGE TO Z NONIMMIGRANT STATUS.—A nonimmigrant under the immigration laws may not change status under section 248 to Z nonimmigrant status.

(m) EMPLOYMENT.—

(I) Z–1 and Z–3 NONIMMIGRANTS.—

(A) IN GENERAL.—Z–1 and Z–3 nonimmigrants shall be authorized to work in the United States.

(B) CONTINUOUS EMPLOYMENT REQUIREMENT.—All requirements that an alien be employed or seeking employment for purposes of this Title shall not apply to an alien who is under 16 years or over 65 years of age. A Z–1 or Z–3 nonimmigrant between 16 and 65 years of age, or an alien in probationary status between 16 and 65 years of age who is seeking to become a Z–1 or Z–3 nonimmigrant, must remain continuously employed full time in the United States as a condition of such nonimmigrant status, except where—

(i) the alien is pursuing a full course of study at an established college, university, seminary, conservatory, trade school, academic high school, elementary school, or other academic institution or language training program;

(ii) the alien is employed while also engaged in study at an established college, university, seminary, conservatory, academic high school, elementary school, or other academic institution or language training program;

(iii) the alien cannot demonstrate employment because of a physical or mental disability (as defined under section 3(2) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102(2) or as a result of pregnancy if such condition is evidenced by the submission of documentation prescribed by the Secretary; or

(iv) the alien's ability to work has been temporarily interrupted by an event that the Secretary has determined to be a force majeure interruption.

(2) Z–2 NONIMMIGRANTS.—Z–2 nonimmigrants shall be authorized to work in the United States.

(3) PORTABILITY.—Nothing in this subsection shall be construed to limit the ability of a Z nonimmigrant to change employers during the alien's period of authorized admission.

(n) TRAVEL OUTSIDE THE UNITED STATES.—

(1) IN GENERAL.—An alien who has been issued a secure ID card under subsection (j) and who is in probationary status or is a Z nonimmigrant—

(A) may travel outside of the United States; and

(B) may be readmitted (if otherwise admissible) without having to obtain a visa if:

(i) the alien's most recent period of authorized admission has not expired;

(ii) the alien is the bearer of valid documentary evidence of Z nonimmigrant status that satisfies the conditions set forth in section (j); and

(iii) the alien is not subject to the bars on extension described in subsection (k)(2)(E).

(2) ADMISSIBILITY.—On seeking readmission to the United States after travel outside the United States an alien granted Z nonimmigrant status must establish that he or she is not inadmissible, except as provided by subsection (d)(2).

(3) EFFECT ON PERIOD OF AUTHORIZED ADMISSION.—Time spent outside the United States under paragraph (1) shall not extend the most recent period of authorized admission in the United States under subsection (k).

(o) TERMINATION OF BENEFITS.—

(1) IN GENERAL.—Any benefit provided to a Z nonimmigrant or an applicant for Z nonimmigrant status under this section shall terminate if—

(A) the Secretary determines that the alien is ineligible for such classification and all review procedures under section 603 of the [Insert title of Act] have been exhausted or waived by the alien;

(B) (i) the alien is found removable from the United States under section 237 of the Immigration and Nationality Act (8 U.S.C. 1227); (ii) the alien becomes inadmissible under section 212 (except as provided in subsection (d)(2), or (iii) the alien becomes ineligible under subsection (d)(1);

(C) the alien has used documentation issued under this section for unlawful or fraudulent purposes;

(D) in the case of the spouse or child of an alien applying for a Z nonimmigrant visa, in probationary status, or classified as a Z nonimmigrant under this section, the benefits for the principal alien are terminated;

(E) with respect to a Z–1 or Z–3 nonimmigrant, the employment or study requirements under subsection (m) have been violated; or

(F) with respect to an alien in probationary status, the alien's application for Z nonimmigrant status is denied

(G) with respect to an alien awarded probationary status who seeks to become a Z–1 nonimmigrant, the alien fails to complete the home application requirement set forth in subsection (e)(6) within two years of receiving a secure ID card.

(3) DENIAL OF IMMIGRANT VISA OR ADJUSTMENT APPLICATION.—Any application for an immigrant visa or adjustment of status to lawful permanent resident status made under this section by an alien whose Z nonimmigrant status is terminated under paragraph (1) shall be denied.

(4) DEPARTURE FROM THE UNITED STATES.—Any alien whose period of authorized admission or probationary benefits is terminated under paragraph (1), as well as the alien's Z–2 or Z–3 nonimmigrant dependents, shall be subject to removal and depart the United States immediately.

(5) INVALIDATION OF DOCUMENTATION.—Any documentation that is issued by the Secretary of Homeland Security under subsection (j) or pursuant to subsection (h)(4) to any alien, whose period of authorized admission terminates under paragraph (1), shall automatically be rendered invalid for any purpose except departure.

(P) REVOCATION.—If, at any time after an alien has obtained status under section 601 of the [Insert title of Act] but not yet adjusted such status to that of an alien lawfully admitted for permanent residence under section 602, the Secretary may, for good and sufficient cause, if it appears that the alien was not in fact eligible for status under section 601, revoke the alien's status following appropriate notice to the alien.

(q) DISSEMINATION OF INFORMATION ON Z PROGRAM.—During the 2 year period immediately after the issuance of regulations implementing this title, the Secretary, in cooperation with entities approved by the Secretary, shall broadly disseminate information respecting Z classification under this section and the requirements to be satisfied to obtain such classification. The Secretary shall disseminate information to employers and labor unions to advise them of the rights and protections available to them and to workers who file applications under this section. Such information shall be broadly disseminated, in no fewer than the top five principal languages, as determined by the Secretary in his discretion, spoken by aliens who would qualify for classification under this section, including to television, radio, and print media to which such aliens would have access.

(r) DEFINITIONS.—In this title and section 214A of the Immigration and Nationality Act:

(1) Z NONIMMIGRANT; Z NONIMMIGRANT WORKER.—The term 'Z noniminigrant worker' means an alien admitted to the United States under paragraph (Z) of subsection 101(a)(15). The term does not include aliens granted probationary benefits under subsection (h) and whose applications for nonimmigrant status under section 101(a)(15)(Z) of the Act have not yet been adjudicated.

(2) Z–1 NONIMMIGRANT; Z–1 WORKER.—The term 'Z–1 nonimmigrant' or 'Z–1 worker' means an alien admitted to the United States under paragraph (i)(I) of subsection 101(a)(15)(Z).

(3) Z–A NONIMMIGRANT; Z–A WORKER.—The term 'Z–A nonimmigrant' or 'Z-A worker' means an alien admitted to the United States under paragraph (ii)(II) of subsection 101(a)(15)(Z).

(4) Z–2 NONIMMIGRANT.—The term 'Z–2 nonimmigrant' means an alien admitted to the United States under paragraph (ii) of subsection 101(a)(15)(Z).

(5) Z–3 NONIMMIGRANT; Z–3 WORKER.—The term 'Z–3 nonimmigrant' or 'Z–3 worker' means an alien admitted to the United States under paragraph (iii) of subsection 101 (a)(15)(Z).

SEC. 602. EARNED ADJUSTMENT FOR Z STATUS ALIENS

(a) LAWFUL PERMANENT RESIDENCE.—

(1) Z–1 NONIMMIGRANTS.—

(A) PROHIBITION ON IMMIGRANT VISA.—A Z–1 nonimmigrant may not be issued an immigrant visa pursuant to sections 221 and 222.

(B) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–1 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(C) REQUIREMENTS.—A Z–1 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, including the merit requirements set forth in section 203(b)(1)(A) [INSERT CITE], the following requirements:

(i) STATUS.—The alien must be in valid Z–1 nonimmigrant status;

(ii) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the evaluation system under section 203(b)(1)(A) of the Act;

(iii) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(iv) FEES AND PENALTIES.—In addition to the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for adjustment of status, a Z–1 head of household must pay a $4,000 penalty at the time of submission of any immigrant petition on his behalf, regardless of whether the alien submits such petition on his own behalf or the alien is the beneficiary of an immigrant petition filed by another party; and

(2) Z–2 AND Z–3 NONIMMIGRANTS.—

(A) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—An application for an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence of a Z–2 nonimmigrant or a Z–3 nonimmigrant under 18 years of age may not be approved before the adjustment of status of the alien's principal Z–1 nonimmigrant.

(B) ADJUSTMENT OF STATUS.—

(i) ADJUSTMENT.—Notwithstanding sections 245(a) and (c), the status of any Z–2 or Z–3 nonimmigrant may be adjusted by the Secretary of Homeland Security to that of an alien lawfully admitted for permanent residence.

(ii) REQUIREMENTS.—A Z–2 or Z–3 nonimmigrant may adjust status to that of an alien lawfully admitted for permanent residence upon satisfying, in addition to all other requirements imposed by law, the following requirements:

(I) STATUS.—The alien must be in valid Z–2 or Z–3 nonimmigrant status;

(II) APPROVED PETITION.—The alien must be the beneficiary of an approved petition under section 204 of the Act or have an approved petition that was filed pursuant to the merit-based evaluation system under section 203(b)(1)(A) of the Act;

(III) ADMISSIBILITY.—The alien must not be inadmissible under section 212(a), except for those grounds previously waived under subsection (d)(2);

(IV) FEES.—The alien must pay the fees payable to the Secretary of Homeland Security and Secretary of State in connection with the filing of an immigrant petition and application for an immigrant visa; and

(3) MAINTENANCE OF WAIVERS OF INADMISSIBILITY.—The grounds of inadmissibility not applicable under section (d)(2) shall also be considered inapplicable for purposes of admission as an immigrant or adjustment pursuant to this subsection.

(4) APPLICATION OF OTHER LAW.—In processing applications under this subsection on behalf of aliens who have been battered or subjected to extreme cruelty, the Secretary shall apply—

(A) the provisions under section 204(a)(1)(J) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(J)); and

(B) the protections, prohibitions, and penalties under section 384 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1367).

(5) BACK OF THE LINE.—An alien may not adjust status to that of a lawful permanent resident under this section until 30 days after an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005.

(6) INELIGIBILITY FOR PUBLIC BENEFITS.—For purposes of section 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 D.S.C. 1613), an alien whose status has been adjusted under this section shall not be eligible for any Federal means-tested public benefit unless the alien meets the alien eligibility criteria for such benefit under title IV of such Act (8 U.S.C. 1601 et seq.).

(7) MEDICAL EXAMINATION.—An applicant for earned adjustment shall undergo an appropriate medical examination (including a determination of immunization status) that conforms to generally accepted professional standards of medical practice.

(8) PAYMENT OF INCOME TAXES.—

(A) IN GENERAL.—Not later than the date on which status is adjusted under this section, the applicant shall satisfy any applicable Federal tax liability accrued during the period of Z status by establishing that—

(i) no such tax liability exists;

(ii) all outstanding liabilities have been paid; or

(iii) the applicant has entered into, and is in compliance with, an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

(B) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to—

(i) the applicant, upon request, to establish the payment of all taxes required under this subsection; or

(ii) the Secretary, upon request, regarding the payment of Federal taxes by an alien applying for a benefit under this section.

(9) DEPOSIT OF FEES.—Fees collected under this paragraph shall be deposited into the Immigration Examination Fee Account and shall remain available as provided under subsections (m) and (n) of section 286 of the Immigration and Nationality Act (8 U.S.C. 1356).

(10) DEPOSIT OF PENALTIES.—Penalties collected under this paragraph shall be deposited into the Temporary Worker Program Account and shall remain available as provided under section 286(w) of the Immigration and Nationality Act.

SEC. 603. ADMINISTRATIVE REVIEW, REMOVAL PROCEEDINGS, AND JUDICIAL REVIEW FOR ALIENS WHO HAVE APPLIED FOR LEGAL STATUS.

(a) ADMINISTRATIVE REVIEW FOR ALIENS WHO HAVE APPLIED FOR STATUS UNDER THIS TITLE—

(1) EXCLUSIVE REVIEW.—Administrative review of a determination respecting nonimmigrant status under this title shall be conducted solely in accordance with this subsection.

(2) ADMINISTRATIVE APPELLATE REVIEW.—Except as provided in subparagraph (b)(2), an alien whose status under this title has been denied, terminated, or revoked may file not more than one appeal of the denial, termination, or rescission with the Secretary not later than 30 calendar days after the date of the decision or mailing thereof, whichever occurs later in time. The Secretary shall establish an appellate authority to provide for a single level of administrative appellate review of a denial, termination, or rescission of status under [this Act].

(3) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination 38 on the application and upon such additional newly discovered or previously unavailable evidence as the administrative appellate review authority may decide to consider at the time of the determination.

(4) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the administrative appellate review process the alien may file not more than one motion to reopen or to reconsider. The Secretary's decision whether to consider any such motion is committed to the Secretary's discretion.

(b) REMOVAL OF ALIENS WHO HAVE BEEN DENIED STATUS UNDER THIS TITLE.—

(1) SELF-INITIATED REMOVAL.—Any alien who receives a denial under subsection (a) may request, not later than 30 calendar days after the date of the denial or the mailing thereof, whichever occurs later in time, that the Secretary place the alien in removal proceedings. The Secretary shall place the alien in removal proceedings to which the alien would otherwise be subject, unless the alien is subject to an administratively final order of removal, provided that no court shall have jurisdiction to review the timing of the Secretary's initiation of such proceedings. If the alien is subject to an administratively final order of removal, the alien may seek review of the denial under this section pursuant to subsection 242(h) as though the order of removal had been entered on the date of the denial, provided that the court shall not review the order of removal except as otherwise provided by law.

(2) ALIENS WHO ARE DETERMINED TO BE INELIGIBLE DUE TO CRIMINAL CONVICTIONS.—

(i) AGGRAVATED FELONS.—Notwithstanding any other provision of this Act, an alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clause (1)(F)(ii) of subsection 601(d) of [this Act] because the alien has been convicted of an aggravated felony, as defined in paragraph 101(a)(43) of the INA, may be placed forthwith in proceedings pursuant to section 238(b) of the INA.

(ii) OTHER CRIMINALS.—Notwithstanding any other provision of this Act, any other alien whose application for status under this title has been denied or whose status has been terminated or revoked by the Secretary under clauses (1)(F)(i), (iii), or (iv) of subsection [CITE: 601(d)] of [this Act] may be placed forthwith in removal proceedings under section 240 of the INA.

(iii) FINAL DENIAL, TERMINATION OR RESCISSION.—The Secretary's denial, termination, or rescission of the status of any alien described in clauses (i) and (ii) of this subparagraph shall be final for purposes of subparagraph 242(h)(3)(C) of the INA and shall represent the exhaustion of all review procedures for purposes of subsections 601(h) (relating to treatment of applicants) and 601(o) (relating to termination of proceedings) of this Act, notwithstanding paragraph (a)(2) of this section.

(3) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—During the removal process under this subsection the alien may file not more than one motion to reopen or to reconsider. The Secretary's or Attorney General's decision whether to consider any such motion is committed to the Attorney General's discretion.

(c) JUDICIAL REVIEW.— Section 242 of the Immigration and Nationality Act is amended by adding at the end the following subsection (h):

''(h) Judicial Review of Eligibility Determinations Relating to Status Under Title VI of [this Act].

''(1) EXCLUSIVE REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, and except as provided in this subsection, no court shall have jurisdiction to review a determination respecting an application for status under title VI of [this Act], including, without limitation, a denial, termination, or rescission of such status.

''(2) NO REVIEW FOR LATE FILINGS.—An alien may not file an application for status under title VI of [this Act] beyond the period for receipt of such applications established by subsection 601(f) thereof. The denial of any application filed beyond the expiration of the period established by that subsection shall not be subject to judicial review or remedy.

''(3) REVIEW OF A DENIAL, TERMINATION, OR RESCISSION OF STATUS UNDER TITLE VI OF [THIS ACT].—A denial, termination, or rescission of status under subsection 601 of [this Act] may be reviewed only in conjunction with the judicial review of an order of removal under this section, provided that:

''(A) the venue provision set forth in (b)(2) shall govern;

''(B) the deadline for filing the petition for review in (b)(1) shall control;

''(C) the alien has exhausted all administrative remedies available to the alien as of right, including but not limited to the timely filing of an administrative appeal pursuant to subsection 603(a) of [this Act];

''(D) the court shall decide a challenge to the denial of status only on the administrative record on which the Secretary's denial, termination, or rescission was based;

''(E) LIMITATION ON REVIEW.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court reviewing a denial, termination, or rescission of status under Title VI of [this Act] may review any discretionary decision or action of the Secretary regarding any application for or termination or rescission of such status; and

''(F) LIMITATION ON MOTIONS TO REOPEN AND RECONSIDER.—The alien may file not more than one motion to reopen or to reconsider in proceedings brought under this section.

''(4) STANDARD FOR JUDICIAL REVIEW.—Judicial review of the Secretary's denial, termination, or rescission of status under title VI of [this Act] relating to any alien shall be based solely upon the administrative record before the Secretary when he enters a final denial, termination, or rescission. The administrative findings of fact are conclusive unless any reasonable adjudicator would be compelled to conclude to the contrary. The legal determinations are conclusive unless manifestly contrary to law.

''(5) CHALLENGES ON VALIDITY OF THE SYSTEM.—

''(A) IN GENERAL.—Any claim that title VI of [this Act], or any regulation, written policy, or written directive issued or unwritten policy or practice initiated by or under the authority of the Secretary of Homeland Security to implement that title, violates the Constitution of the United States or is otherwise in violation of law is available exclusively in an action instituted in the United States District Court for the District of Columbia in accordance with the procedures prescribed in this paragraph. Nothing in this subparagraph shall preclude an applicant for status under title VI of [this Act] from asserting that an action taken or decision made by the Secretary with respect to his status under that title was contrary to law in a proceeding under section 603 of [this Act] and paragraph (b)(2) of this section.

''(B) DEADLINES FOR BRINGING ACTIONS.—Any action instituted under this paragraph,

(i) must, if it asserts a claim that title VI of [this Act] or any regulation, written policy, or written directive issued by or under the authority of the Secretary to implement that title violates the Constitution or is otherwise unlawful, be filed no later than one year after the date of the publication or promulgation of the challenged regulation, policy or directive or, in cases challenging the validity of the Act, within one year of enactment; and

(ii) must, if it asserts a claim that an unwritten policy or practice initiated by or under the authority of the Secretary violates the Constitution or is otherwise unlawful, be filed no later than one year after the plaintiff knew or reasonably should have known of the unwritten policy or practice.

''(C) CLASS ACTIONS.—Any claim described in subparagraph (A) that is brought as a class action shall be brought in conformity with Public Law 109–2 and the Federal Rules of Civil Procedure.''

''(D) PRECLUSIVE EFFECT.— The final disposition of any claim brought under subparagraph (5)(A) shall be preclusive of any such claim asserted in a subsequent proceeding under this subsection or under subsection 603 [of this Act].

''(E) EXHAUSTION AND STAY OF PROCEEDINGS.—No claim brought under this paragraph shall require the plaintiff to exhaust administrative remedies under subsection 603 of [this Act], but nothing shall prevent the court from staying proceedings under this paragraph to permit the Secretary to evaluate an allegation of an unwritten policy or practice or to take corrective action. In issuing such a stay, the court shall take into account any harm the stay may cause to the claimant. The court shall have no authority to stay proceedings initiated under any other section of the INA.''

SEC. 604. MANDATORY DISCLOSURE OF INFORMATION.

(a) IN GENERAL.—Except as otherwise provided in this section, no Federal agency or bureau, nor any officer, employee or contractor of such agency or bureau, may—

(1) use the information furnished by an applicant under section 601 [and 602] of the [—] or the fact that the applicant applied for such Z status for any purpose other than to make a determination on the application, any subsequent application to extend such status under section 601 of such Act, or to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act;

(2) make or release any publication through which the information furnished by any particular applicant can be identified; or

(3) permit anyone other than the officers, employees or contractors of such agency, bureau, or approved entity, as approved by the Secretary of Homeland Security, to examine individual applications that have been filed.

(b) EXCEPTIONS TO CONFIDENTIALITY.—

(1) Subsection (a) shall not apply with respect to—

(A) an alien whose application has been denied, terminated or revoked based on the Secretary's finding that the alien—

(i) is inadmissible under sections 212(a)(2), (3), (6)(C)(i) (with respect to information furnished by an applicant under section 601 or 602 of the [—]), or (6)(E) of the Act;

(ii) is deportable under sections 237(a)(1)(E), (1)(G), (2), or (4) of the Act;

(iii) was physically removed and is subject to reinstatement pursuant to section 241 (a)(5).

(B) an alien whose application for Z nonimmigrant status has been denied, terminated, or revoked under section 601(d)(1)(F);

(C) an alien whom the Secretary determines has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;

(D) an alien whom the Secretary determines has, in connection with his application under sections 601 or 602, engaged in

fraud or willful misrepresentation, concealment of a material fact, or knowingly offered a false statement, representation or document;

(E) an alien who has knowingly and voluntarily waived in writing the confidentiality provisions in subsection (a); or

(F) an order from a court of competent jurisdiction.

(2) Nothing in this subsection shall require the Secretary to commence removal proceedings against an alien whose application has been denied, terminated, or revoked based on the Secretary's finding that the alien is inadmissible or deportable.

(c) AUTHORIZED DISCLOSURES.—Information furnished on or derived from an application described in subsection (a) may be disclosed to—

(1) a law enforcement agency, intelligence agency, national security agency, component of the Department of Homeland Security, court, or grand jury in connection with a criminal investigation or prosecution or a national security investigation or prosecution; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual, whether or not the death of such individual resulted from a crime.

(e) AUDITING AND EVALUATION OF INFORMATION.—The Secretary may audit and evaluate information furnished as part of any application filed under sections 601 and 602, of [—], any application to extend such status under section 601(k) of such Act, or any application to adjust status to that of an alien lawfully admitted for permanent residence under section 602 of such Act, for purposes of identifying fraud or fraud schemes, and may use any evidence detected by means of audits and evaluations for purposes of investigating, prosecuting or referring for prosecution, denying, or terminating immigration benefits.

(f) USE OF INFORMATION IN PETITIONS AND APPLICATIONS SUBSEQUENT TO ADJUSTMENT OF STATUS.—If the Secretary has adjusted an alien's status to that of an alien lawfully admitted for permanent residence pursuant to section 602 of [—], then at any time thereafter the Secretary may use the information furnished by the alien in the application for adjustment of status or in the applications for status pursuant to sections 601 or 602 to make a determination on any petition or application.

(g) PENALTIES.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

(h) CONSTRUCTION.—Nothing in this section shall be construed to limit the use, or release, for immigration enforcement purposes of information contained in files or records of the Secretary or Attorney General pertaining to an applications filed under sections 601 or 602, other than information furnished by an applicant pursuant to the application, or any other information derived from the application, that is not available from any other source.

SEC. 605. EMPLOYER PROTECTIONS.

(a) Copies of employment records or other evidence of employment provided by an alien or by an alien's employer in support of an alien's application for Z nonimmigrant status shall not be used in a prosecution or investigation (civil or criminal) of that employer under section 247B (8 U.S.C. 1324a) or the tax laws of the United States for the prior unlawful employment of that alien, regardless of the adjudication of such application or reconsideration by the Secretary of such alien's prima facie eligibility determination.

(b) APPLICABILITY OF OTHER LAW.—Nothing in this section may be used to shield an employer from liability under section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b) or any other labor or employment law.

SEC. 606. ENUMERATION OF SOCIAL SECURITY NUMBER.

The Secretary of Homeland Security, in coordination with the Commissioner of the Social Security Administration, shall implement a system to allow for the prompt enumeration of a Social Security number after the Secretary of Homeland Security has granted an alien Z nonimmigrant status or any probationary benefits based upon application for such status.

SEC. 607. PRECLUSION OF SOCIAL SECURITY CREDITS FOR YEARS PRIOR TO ENUMERATION.

(a) INSURED STATUS.—Section 214 of the Social Security Act (42 U.S.C. 414) is amended by:

(1) amending subsection (c) by deleting ''For'' and inserting ''Except as provided in subsection (e), for''; and

(2) adding at the end the following new subsections:

''(d)(1) Except as provided in paragraph (2) and subsection (e), for purposes of this section and for purposes of determining a qualifying quarter of coverage under 8 U.S.C. 1612(b)(2)(B), no quarter of coverage shall be credited if, with respect to any individual who is assigned a social security account number after 2007, such quarter of coverage is earned prior to the year in which such social security account number is assigned.

''(2) Paragraph (1) shall not apply with respect to any quarter of coverage earned by an individual who satisfies the criterion specified in subsection (c)(2).

''(e) Subsection (d) shall not apply with respect to a determination under subsection (a) or (b) for a deceased individual in the case of a child who is a United States citizen and who is applying for child's insurance benefits under section 202(d) based on the wages and self-employment income of such deceased individual. ''

(b) BENEFIT COMPUTATION.—Section 215(e) of such Act (42 U.S.C. 415(e)) is amended—

(1) by striking ''and'' at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting '';and''; and

(3) by adding at the end the following new paragraph:

''(3) in computing the average indexed monthly earnings of an individual, there shall not be counted any wages or self-employment income for any year for which no quarter of coverage may be credited to such individual as a result of the application of section 214(d).''

(c) EFFECTIVE DATE.—The amendment made by subsection (a) that provides for a new section 214(e) of the Social Security Act shall be effective with respect to applications for benefits filed after the sixth month following the month this Act is enacted.

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601(e)(5)(B) and Section 602(a)(I)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) shall be credited as offsetting collections to appropriations provided pursuant to section 611 for the fiscal year in which this Act is enacted and the subsequent fiscal year; and

(2) shall be deposited and remain available as otherwise provided under this title.

SEC. 609. LIMITATIONS ON ELIGIBILITY.

(a) IN GENERAL.—An alien is not ineligible for any immigration benefit under any provision of this title, or any amendment made by this title, solely on the basis that the alien violated section 1543, 1544, or 1546 of title 18, United States Code, or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date on which the alien applies for any benefits under this title, except with respect to any forgery, fraud or misrepresentation on the application for Z nonimmigrant status filed by the alien.

(b) PROSECUTION.—An alien who commits a violation of section 1543, 1544, or 1546 of such title or any amendments made by the [NAME OF THIS ACT], during the period beginning on the date of the enactment of such Act and ending on the date that the alien applies for eligibility for such benefit may be prosecuted for the violation if the alien's application for such benefit is denied.

SEC. 610. RULEMAKING.

(a) The Secretary shall issue an interim final rule within six months of the date of enactment of this subtitle to implement this title and the amendments made by this title. The interim final rule shall become effective immediately upon publication in the Federal Register. The interim final rule shall sunset two years after issuance unless the Secretary issues a final rule within two years of the issuance of the interim final rule.

(b) The exemption provided under this section shall sunset no later than two years after the date of enactment of this subtitle, provided that, such sunset shall not be construed to impose any requirements on, or affect the validity of, any rule issued or other action taken by the Secretary under such exemptions.

SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this title and the amendments made by this title.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of the Congress that funds authorized to be appropriated under subsection (a) should be directly appropriated so as to facilitate the orderly and timely commencement of the processing of applications filed under sections 601 and 602.

Subtitle B—DREAM Act

SEC. 612. SHORT TITLE.

This subtitle may be cited as the ''Development, Relief, and Education for Alien Minors Act of 2007'' or the ''DREAM Act of 2007''.

SEC. 613. DEFINITIONS.

In this subtitle:

(1) INSTITUTION OF HIGHER EDUCATION.—The term ''institution of higher education'' has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(2) UNIFORMED SERVICES.—The term ''uniformed services'' has the meaning given that term in section 101(a) of title 10, United States Code.

SEC. 614. ADJUSTMENT OF STATUS OF CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.

(a) SPECIAL RULE FOR CERTAIN LONG-TERM RESIDENTS WHO ENTERED THE UNITED STATES AS CHILDREN.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as otherwise provided in this subtitle, the Secretary may beginning on the date that is three years after the date of enactment of this Act

adjust to the status of an alien lawfully admitted for permanent residence an alien who is determined to be eligible for or has been granted probationary or Z nonimmigrant status if the alien demonstrates that—

(A) the alien has been physically present in the United States for a continuous period since January 1, 2007, is under 30 years of age on the date of enactment, and had not yet reached the age of 16 years at the time of initial entry;

(B) the alien has earned a high school diploma or obtained a general education development certificate in the United States;

(C) The alien has not abandoned the alien's residence in the United States. The Secretary shall presume that the alien has abandoned such residence if the alien is absent from the United States for more than 365 days, in the aggregate, during the period of conditional residence, unless the alien demonstrates that alien has not abandoned the alien's residence. An alien who is absent from the United States due to active service in the uniformed services has not abandoned the alien's residence in the United States during the period of such service.

(D) The alien has—

(i) acquired a degree from an institution of higher education in the United States or has completed at least 2 years, in good standing, in a program for a bachelor's degree or higher degree in the United States; or

(ii) The alien has served in the uniformed services for at least 2 years and, if discharged, has received an honorable discharge.

(E) The alien has provided a list of all of the secondary educational institutions that the alien attended in the United States; and

(F) The alien is in compliance with the eligibility and admissibility criteria set forth in section 601(d).

(b) TREATMENT OF PERIOD FOR PURPOSES OF NATURALIZATION.—Solely for purposes of title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.), an alien who has been granted probationary or Z nonimmigrant status and has satisfied the requirements of subparagraphs (a)(1)(A) through (F) shall beginning on the date that is eight years after the date of enactment be considered to have satisfied the requirements of Section 316(a)(1) of the Act (8 U.S.C. 1427(a)(1)).

(c) EXEMPTION FROM NUMERICAL LIMITATIONS.—Nothing in this section may be construed to apply a numerical limitation on the number of aliens who may be eligible for adjustment of status.

(d) REGULATIONS.—

(1) PROPOSED REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall publish proposed regulations implementing this section. Such regulations shall be effective immediately on an interim basis, but are subject to change and revision after public notice and opportunity for a period for public comment.

(2) INTERIM, FINAL REGULATIONS.—Within a reasonable time after publication of the interim regulations in accordance with paragraph (1), the Secretary shall publish final regulations implementing this section.

SEC. 615. EXPEDITED PROCESSING OF APPLICATIONS; PROHIBITION ON FEES.

Regulations promulgated under this subtitle shall provide that no additional fee will be charged to an applicant for a Z nonimmigrant visa for applying for benefits under this subtitle.

SEC. 616. HIGHER EDUCATION ASSISTANCE.

(a) Section 505 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1623) shall have no force or effect with respect to an alien who has been granted probationary or Z nonimmigrant status.

(b) Notwithstanding any provision of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), with respect to assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.), an alien who adjusts status to that of a lawful permanent resident under this title, or who is a probationary Z or Z nonimmigrant under this title and who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F), shall be eligible for the following assistance under such title IV:

(1) Student loans under parts B, D, and E of such title IV (20 U.S.C. 1071 et seq., 1087a et seq., 1087aa et seq.), subject to the requirements of such parts.

(2) FEDERAL WORK.—study programs under part C of such title IV (42 U.S.C. 2751 et seq.), subject to the requirements of such part.

(3) Services under such title IV (20 U.S.C. 1070 et seq.), subject to the requirements for such services.

SEC. 617. DELAY OF FINES AND FEES.

(a) Payment of the penalties and fees specified in section 601(e)(5) shall not be required with respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A), (B), and (F) until the date that is six years and six months after the date of enactment of this Act or the alien reaches the age of 24, whichever is later. If the alien makes all of the demonstrations specified in section 614(a)(1) by such date, the penalties shall be waived. If the alien fails to make the demonstrations specified in section 614(a)(1) by such date, the alien's Z nonimmigrant status will be terminated unless the alien pays the penalties and fees specified in section 601(e)(5) consistent with the procedures set forth in section 608 within 90 days.

(b) With respect to an alien who meets the eligibility criteria set forth in section 614(a)(1)(A) and (F), but not the eligibility criteria in section 614(a)(1)(B), the individual who pays the penalties specified in section 601(e)(5) shall be entitled to a refund when the alien makes all the demonstrations specified in section 614(a)(1).

SEC. 618. GAO REPORT.

Seven years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives, which sets forth—

(1) the number of aliens who were eligible for adjustment of status under section 623(a);

(2) the number of aliens who applied for adjustment of status under section 623(a); and

(3) the number of aliens who were granted adjustment of status under section 623(a).

SEC. 619. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 620. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following: ''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

Subtitle C—Agricultural Workers

SEC. 621. SHORT TITLE.

This subtitle may be cited as the ''Agricultural Job Opportunities, Benefits, and Security Act of 2007'' or the ''AgJOBS Act of 2007''

PART I—ADMISSION OF AGRICULTURAL WORKERS

SEC. 622. ADMISSION OF AGRICULTURAL WORKERS.

(a) Z–A NONIMMIGRANT VISA CATEGORY.—

(1) ESTABLISHMENT.—Paragraph (15) of section 101(a)), of the Immigration and Nationality Act (8 U.S.C. 1101(a), [as amended by section 601(b), is further amended by adding at the end the following new subparagraph:

''(Z–A)(i) an alien who is coming to the United States to perform any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), agricultural labor under section 3121(g) of the Internal Revenue Code of 1986, or the performance of agricultural labor or services described in subparagraph (H)(ii)(a), who meets the requirements of section 214A of this Act; or

''(ii) the spouse or minor child of an alien described in clause (i) who is residing in the United States.''.

(b) REQUIREMENTS FOR ISSUANCE OF NONIMMIGRANT VISA.—Chapter 2 of title II of the Immigration and Nationality Act (8 U.S.C. 1181 et seq.) is amended by inserting after section 214 the following new section:

"SEC. 214A. ADMISSION OF AGRICULTURAL WORKERS.

''(a) DEFINITIONS.—In this section:

''(1) AGRICULTURAL EMPLOYMENT.—The term 'agricultural employment' means any service or activity that is considered to be agricultural under section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)) or agricultural labor under section 3121(g) of the Internal Revenue Code of 1986 or the performance of agricultural labor or services described in section 101(a)(15)(H)(ii)(a).

''(2) DEPARTMENT.—The term 'Department' means the Department of Homeland Security.

''(3) EMPLOYER.—The term 'employer' means any person or entity, including any farm labor contractor and any agricultural association, that employs workers in agricultural employment.

''(4) QUALIFIED DESIGNATED ENTITY.—The term 'qualified designated entity' means—

''(A) a qualified farm labor organization or an association of employers designated by the Secretary; or

''(B) any such other person designated by the Secretary if that Secretary determines such person is qualified and has substantial experience, demonstrated competence, and has a history of long-term involvement in the preparation and submission of applications for adjustment of status under section 209, 210, or 245, the Act entitled 'An Act to adjust the status of Cuban refugees to that of lawful permanent residents of the United

States, and for other purposes', approved November 2, 1966 (Public Law 89–732; 8 U.S.C. 1255 note), Public Law 95–145 (8 U.S.C. 1255 note), or the Immigration Reform and Control Act of 1986 (Public Law 99–603; 100 Stat. 3359) or any amendment made by that Act.

''(5) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(6) TEMPORARY.—A worker is employed on a 'temporary' basis when the employment is intended not to exceed 10 months.

''(7) WORK DAY.—The term 'work day' means any day in which the individual is employed 5.75 or more hours in agricultural employment.

''(8) Z–A DEPENDENT VISA.—The term 'Z–A dependent visa' means a nonimmigrant visa issued pursuant to section 101(a)(l5)(Z–A)(ii).

''(9) Z–A VISA.—The term 'Z–A visa' means a nonimmigrant visa issued pursuant to section 101(a)(15)(Z–A)(i).

''(b) AUTHORIZATION FOR PRESENCE, EMPLOYMENT, AND TRAVEL IN THE UNITED STATES.—

''(1) IN GENERAL.—An alien issued a Z–A visa or a Z–A dependent visa may remain in, and be employed in, the United States during the period such visa is valid.

''(2) AUTHORIZED EMPLOYMENT.—The Secretary shall provide an alien who is granted a Z–A visa or a Z–A dependent visa an employment authorized endorsement or other appropriate work permit, in the same manner as an alien lawfully admitted for permanent residence.

''(3) AUTHORIZED TRAVEL.—An alien who is granted a Z–A visa or a Z–A dependent visa is authorized to travel outside the United States (including commuting to the United States from a residence in a foreign country) in the same manner as an alien lawfully admitted for permanent residence.

''(c) QUALIFICATIONS.—

''(I) Z–A VISA.—Notwithstanding any other provision of law, the Secretary shall, pursuant to the requirements of this section, grant a Z–A visa to an alien if the Secretary determines that the alien—

''(A) has performed agricultural employment in the United States for at least 863 hours or 150 work days during the 24–month period ending on December 31, 2006;

''(B) applied for such status during the 18-month application period beginning on the first day of the seventh month that begins after the date of enactment of this Act;

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4);

''(D) has not been convicted of any felony or a misdemeanor, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; and

''(E) meets the requirements of paragraph (3).

''(2) Z–A DEPENDENT VISA.—Notwithstanding any other provision of law, the Secretary shall grant a Z–A dependent visa to an alien who is—

''(A) described in section 101(a)(15)(Z–A)(ii);

''(B) meets the requirements of paragraph (3); and

''(C) is admissible to the United States under section 212, except as otherwise provided in paragraph (4).

''(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

''(A) FINGERPRINTS.—An alien seeking a Z–A visa or a Z–A dependent visa shall submit fingerprints to the Secretary at such time and in manner as the Secretary may require.

''(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints provided under subparagraph (A) and other biometric data provided by an alien to conduct a background check of the alien, including searching the alien's criminal history and any law enforcement actions taken with respect to the alien and ensuring that the alien is not a risk to national security.

''(4) WAIVER OF CERTAIN GROUNDS OF INADMISSIBILLTY.—In the determination of an alien's eligibility for a Z–A visa or a Z–A dependent visa the following shall apply:

''(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (5), (6)(A), (7), and (9) of section 212(a) shall not apply.

''(B) WAIVER OF OTHER GROUNDS.—

''(i) IN GENERAL.—Except as provided in clause (ii), the Secretary may waive any provision of such section 212(a), other than the paragraphs described in subparagraph (A), in the case of individual aliens for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest.

''(ii) GROUNDS THAT MAY NOT BE WAIVED.—Except as provided in subparagraph (C), subparagraphs (A), (B), and (C) of paragraph (2), and paragraphs (3) and (4) of section 212(a) may not be waived by the Secretary under clause (i).

''(iii) CONSTRUCTION.—Nothing in this subparagraph shall be construed as affecting the authority of the Secretary other than under this subparagraph to waive provisions of such section 212(a).

''(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for a Z–A visa or a Z–A dependent visa by reason of a ground of inadmissibility under section 212(a)(4) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

''(d) APPLICATION.—

''(1) IN GENERAL.—An alien seeking a Z–A visa shall submit an application to the Secretary for such a visa, including information regarding any Z–A dependent visa for the spouse of child of the alien.

''(2) SUBMISSION.—Applications for a Z–A visa under may be submitted—

''(A) to the Secretary if the applicant is represented by an attorney or a nonprofit religious, charitable, social service, or similar organization recognized by the Board of Immigration Appeals under section 292.2 of title 8, Code of Federal Regulations (or similar successor regulations); or

''(B) to a qualified designated entity if the applicant consents to the forwarding of the application to the Secretary.

''(3) PROOF OF ELIGIBILITY.—

''(A) IN GENERAL.—An alien may establish that the alien meets the requirement for a Z–A visa through government employment records or records supplied by employers or collective bargaining organizations, and other reliable documentation as the alien may provide. The Secretary shall establish special procedures to properly credit work in cases in which an alien was employed under an assumed name.

''(B) DOCUMENTATION OF WORK HISTORY.—

''(i) BURDEN OF PROOF.—An alien applying for a Z–A visa or applying for adjustment of status described in subsection (J) has the burden of proving by a preponderance of the evidence that the alien has performed the requisite number of hours or days of agricultural employment required for such application or adjustment of status, as applicable.

''(ii) TIMELY PRODUCTION OF RECORDS.—If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of such records under regulations to be promulgated by the Secretary.

''(iii) SUFFICIENT EVIDENCE.—An alien may meet the burden of proof under clause (i) to establish that the alien has performed the requisite number of hours or days of agricultural employment by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference.

''(4) APPLICATIONS SUBMITTED TO QUALIFIED DESIGNATED ENTITIES.—

''(A) REQUIREMENTS.—Each qualified designated entity shall agree—

''(i) to forward to the Secretary an application submitted to that entity pursuant to paragraph (2)(B) if the alien for whom the application is being submitted has consented to such forwarding;

''(ii) not to forward to the Secretary any such application if such an alien has not consented to such forwarding; and

''(iii) to assist an alien in obtaining documentation of the alien's work history, if the alien requests such assistance.

''(B) NO AUTHORITY TO MAKE DETERMINATIONS.—No qualified designated entity may make a determination required by this section to be made by the Secretary.

''(5) APPLICATION FEES.—

''(A) FEE SCHEDULE.—The Secretary shall provide for a schedule of fees that—

''(i) shall be charged for applying for a Z–A visa under this section or for an adjustment of status described in subsection (j); and

''(ii) may be charged by qualified designated entities to help defray the costs of services provided to such aliens making such an application.

''(B) PROHIBITION ON EXCESS FEES BY QUALIFIED DESIGNATED ENTITIES.—A qualified designated entity may not charge any fee in excess of, or in addition to, the fees authorized under subparagraph (A)(ii) for services provided to applicants.

''(6) LIMITATION ON ACCESS TO INFORMATION.—Files and records collected or compiled by a qualified designated entity for the purposes of this section are confidential and the Secretary shall not have access to such a file or record relating to an alien without the consent of the alien, except as allowed by a court order issued pursuant to [ ].

''(7) TREATMENT OF APPLICANTS.—

''(A) IN GENERAL.—An alien who files an application under this section to receive a Z–A visa and any spouse or child of the alien seeking a Z–A dependant visa, on the date described in subparagraph (B)—

''(i) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

''(ii) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

''(iii) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z–A visa; and ''(iv) may not be considered an unauthorized alien (as defined in section 274A) until the date on which [the alien's application for a Z–A visa] is denied.

''(B) TIMING OF PROBATIONARY BENEFITS.—

''(i) IN GENERAL.—Subject to clause (ii), an alien who submits an application for a Z–A visa under subsection (d), including any evidence required under such subsection, and any spouse or child of the alien seeking a Z–A dependent visa shall receive the probationary benefits described in clauses (i) through (iv) of subparagraph (A) at the earlier of—

''(I) the date and time that the alien has passed all appropriate background checks, including name and fingerprint checks; or

''(II) the end of the next business day after the date that the Secretary receives the alien's application for Z–A visa.

''(ii) EXCEPTION.—If the Secretary determines that the alien fails the background checks referred to in clause (i)(I), the alien may not be granted probationary benefits described in clauses (i) through (iv) of subparagraph (A).

''(C) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien granted probationary benefits described in clauses (i) through (iv) of subparagraph (A) with a counterfeit-resistant document that reflects the benefits and status set forth in subparagraph (A). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed.

''(D) CONSTRUCTION.—Nothing in this section may be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under this paragraph.

''(8) TEMPORARY STAY OF REMOVAL AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

''(A) BEFORE APPLICATION PERIOD.—Beginning on the date of enactment of the AgJOBS Act of 2007, the Secretary shall provide that, in the case of an alien who is apprehended prior to the first date of the application period described in subsection (c)(1)(B) and who can establish a nonfrivolous case of eligibility for a Z–A visa (but for the fact that the alien may not apply for such status until the beginning of such period), the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(B) DURING APPLICATION PERIOD.—The Secretary shall provide that, in the case of an alien who presents a nonfrivolous application for Z–A visa during the application period described in subsection (c)(1)(B), including an alien who files such an application within 30 days of the alien's apprehension, and until a final determination on the application has been made in accordance with this section, the alien—

''(i) may not be removed; and

''(ii) shall be granted authorization to engage in employment in the United States and be provided an employment authorized endorsement or other appropriate work permit for such purpose.

''(e) NUMERICAL LIMITATIONS.—

''(1) Z–A VISA.—The Secretary may not issue more than 1,500,000 Z–A visas.

''(2) Z–A DEPENDENT VISA.—The Secretary may not count any Z–A dependent visa issued against the numerical limitation described in paragraph (1).

''(f) EVIDENCE OF NONIMMIGRANT STATUS.—

''(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each alien granted a Z–A visa or a Z–A dependent visa.

''(2) FEATURES OF DOCUMENTATION.—Documentary evidence of a Z–A visa or a Z–A dependent visa—

''(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

''(B) shall be designed in consultation with U.S. Immigration and Customs Enforcement's Forensic Document Laboratory;

''(C) shall serve as a valid travel and entry document for an alien granted a Z–A visa or a Z–A dependent visa for the purpose of applying for admission to the United States where the alien is applying for admission at a port of entry;

''(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A; and

''(E) shall be issued to the alien granted the visa by the Secretary promptly after final adjudication of such alien's application for the visa, except that an alien may not be granted a Z–A visa or a Z–A dependent visa until all appropriate background checks on each alien are completed to the satisfaction of the Secretary.

''(g) FINE.—An alien granted a Z–A visa shall pay a fine of $100 to the Secretary.

''(h) TREATMENT OF ALIENS GRANTED A Z–A VISA.—

''(1) IN GENERAL.—Except as otherwise provided under this subsection, an alien granted a Z–A visa or a Z–A dependent visa shall be considered to be an alien lawfully admitted for permanent residence for purposes of any law other than any provision of this Act.

''(2) DELAYED ELIGIBILITY FOR CERTAIN FEDERAL PUBLIC BENEFITS.—An alien granted a Z–A visa shall not be eligible, by reason of such status, for any form of assistance or benefit described in section 403(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(a)) until 5 years after the date on which the alien is granted an adjustment of status under subsection (d).

''(3) TERMS OF EMPLOYMENT.—

''(A) PROHIBITION.—No alien granted a Z–A visa may be terminated from employment by any employer during the period of a Z–A visa except for just cause.

''(B) TREATMENT OF COMPLAINTS.—

''(i) ESTABLISHMENT OF PROCESS.—The Secretary shall establish a process for the receipt, initial review, and disposition of complaints by aliens granted a Z–A visa who allege that they have been terminated without just cause. No proceeding shall be conducted under this subparagraph with respect to a termination unless the Secretary determines that the complaint was filed not later than 6 months after the date of the termination.

''(ii) INITIATION OF ARBITRATION.—If the Secretary finds that an alien has filed a complaint in accordance with clause (i) and there is reasonable cause to believe that the alien was terminated from employment without just cause, the Secretary shall initiate binding arbitration proceedings by requesting the Federal Mediation and Conciliation Service to appoint a mutually agreeable arbitrator from the roster of arbitrators maintained by such Service for the geographical area in which the employer is located. The procedures and rules of such Service shall be applicable to the selection of such arbitrator and to such arbitration proceedings. The Secretary shall pay the fee and expenses of the arbitrator, subject to the availability of appropriations for such purpose.

''(iii) ARBITRATION PROCEEDINGS.—The arbitrator shall conduct the proceeding under this subparagraph in accordance with the policies and procedures promulgated by the American Arbitration Association applicable to private arbitration of employment disputes. The arbitrator shall make findings respecting whether the termination was for just cause. The arbitrator may not find that the termination was for just cause unless the employer so demonstrates by a preponderance of the evidence. If the arbitrator finds that the termination was not for just cause, the arbitrator shall make a specific finding of the number of days or hours of work lost by the employee as a result of the termination. The arbitrator shall have no authority to order any other remedy, including reinstatement, back pay, or front pay to the affected employee. Not later than 30 days after the date of the conclusion of the arbitration proceeding, the arbitrator shall transmit the findings in the form of a written opinion to the parties to the arbitration and the Secretary. Such findings shall be final and conclusive, and no official or court of the United States shall have the power or jurisdiction to review any such findings.

''(iv) EFFECT OF ARBITRATION FINDINGS.—If the Secretary receives a finding of an arbitrator that an employer has terminated the employment of an alien who is granted a Z–A visa without just cause, the Secretary shall credit the alien for the number of days of work not performed during such period of termination for the purpose of determining if the alien meets the qualifying employment requirement of subsection (f)(2).

''(v) TREATMENT OF ATTORNEY'S FEES.—Each party to an arbitration under this subparagraph shall bear the cost of their own attorney's fees for the arbitration.

''(vi) NONEXCLUSIVE REMEDY.—The complaint process provided for in this subparagraph is in addition to any other rights an employee may have in accordance with applicable law.

''(vii) EFFECT ON OTHER ACTIONS OR PROCEEDINGS.—Any finding of fact or law, judgment, conclusion, or final order made by an arbitrator in the proceeding before the Secretary shall not be conclusive or binding in any separate or subsequent action or proceeding between the employee and the employee's current or prior employer brought before an arbitrator, administrative agency, court, or judge of any State or the United States, regardless of whether the prior action was between the same or related parties or involved the same facts, except that the arbitrator's specific finding of the number of days or hours of work lost by the employee as a result of the employment termination may be referred to the Secretary pursuant to clause (iv).

''(4) RECORD OF EMPLOYMENT.—

''(A) IN GENERAL.—Each employer of an alien who is granted a Z–A visa shall annually—

''(i) provide a written record of employment to the alien; and

''(ii) provide a copy of such record to the Secretary.

''(B) CIVIL PENALTIES.—

''(i) IN GENERAL.—If the Secretary finds, after notice and opportunity for a hearing, that an employer of an alien granted a Z–A visa has failed to provide the record of employment required under subparagraph (A) or has provided a false statement of material fact in such a record, the employer shall be subject to a civil money penalty in an amount not to exceed $1,000 per violation.

''(ii) LIMITATION.—The penalty applicable under clause (i) for failure to provide records shall not apply unless the alien has provided the employer with evidence of employment authorization granted under this subsection.

''(i) TERMINATION OF A GRANT OF Z–A VISA.—

''(1) IN GENERAL.—The Secretary may terminate a Z–A visa or a Z–A dependent visa granted to an alien only if the Secretary determines that the alien is deportable.

''(2) GROUNDS FOR TERMINATION.—Prior to the date that an alien granted a Z–A visa or a Z–A dependent visa becomes eligible for adjustment of status described in subsection (j), the Secretary may deny adjustment to permanent resident status and provide for termination of the alien's Z–A visa or Z–A dependent visa if—

''(A) the Secretary finds, by a preponderance of the evidence, that the grant of a Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States as an immigrant, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States;

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500; or

''(iv) in the case of an alien granted a Z–A visa, fails to perform the agricultural employment described in subsection (j)(l)(A) unless the alien was unable to work in agricultural employment due to the extraordinary circumstances described in subsection (j)(l)(A)(iii).

''(3) REPORTING REQUIREMENT.—The Secretary shall promulgate regulations to ensure that the alien granted a Z–A visa complies with the qualifying agricultural employment described in subsection (j)(1)(A) at the end of the 5 year work period, which may include submission of an application pursuant to this subsection.

''(j) ADJUSTMENT TO PERMANENT RESIDENCE.—

''(1) Z–A VISA.—Except as provided in this subsection, the Secretary shall award the maximum number of points available pursuant to section 203(b)(1) and adjust the status of an alien granted a Z–A visa to that of an alien lawfully admitted for permanent residence under this Act, if the Secretary determines that the following requirements are satisfied:

''(A) QUALIFYING EMPLOYMENT.—

''(i) IN GENERAL.—Subject to clauses (ii) and (iii), the alien has performed at least—

''(I) 5 years of agricultural employment in the United States for at least 100 work days per year, during the 5-year period beginning on the date of enactment of the AgJobs Act of 2007; or

''(II) 3 years of agricultural employment in the United States for at least 150 work days per year, during the 3–year period beginning on such date of enactment.

''(ii) FOUR YEAR PERIOD OF EMPLOYMENT.—An alien shall be considered to meet the requirements of clause (i) if the alien has performed 4 years of agricultural employment in the United States for at least 150 work days during 3 years of those 4 years and at least 100 work days during the remaining year, during the 4-year period beginning on such date of enactment.

''(iii) EXTRAORDINARY CIRCUMSTANCES.—In determining whether an alien has met the requirement of clause (i), the Secretary may credit the alien with not more than 12 additional months to meet the requirement of that clause if the alien was unable to work in agricultural employment due to—

''(I) pregnancy, injury, or disease, if the alien can establish such pregnancy, disabling injury, or disease through medical records;

''(II) illness, disease, or other special needs of a minor child, if the alien can establish such illness, disease, or special needs through medical records; or

''(III) severe weather conditions that prevented the alien from engaging in agricultural employment for a significant period of time.

''(B) PROOF.—An alien may demonstrate compliance with the requirements of subparagraph (A) by submitting—

''(i) the record of employment described in subsection (h)(4); or

''(ii) such documentation as may be submitted under subsection (d)(3).

''(C) APPLICATION PERIOD.—Not later than 8 years after the date of the enactment of the AgJOBS Act of 2007, the alien must—

''(i) apply for adjustment of status; or

''(ii) renew the alien's Z visa status as described in section 601 (k)(2).

''(D) FINE.—The alien pays to the Secretary a fine of $400; or

''(2) SPOUSES AND MINOR CHILDREN.—Notwithstanding any other provision of law, the Secretary shall confer the status of lawful permanent resident on the spouse and minor child of an alien granted any adjustment of status under paragraph (1), including any individual who was a minor child on the date such alien was granted a Z–A visa, if the spouse or minor child applies for such status, or if the principal alien includes the spouse or minor child in an application for adjustment of status to that of a lawful permanent resident.

''(3) GROUNDS FOR DENIAL OF ADJUSTMENT OF STATUS.—The Secretary may deny an alien granted a Z–A visa or a Z–A dependent visa an adjustment of status under this Act and provide for termination of such visa if—

''(A) the Secretary finds by a preponderance of the evidence that grant of the Z–A visa was the result of fraud or willful misrepresentation (as described in section 212(a)(6)(C)(i)); or

''(B) the alien—

''(i) commits an act that makes the alien inadmissible to the United States under section 212, except as provided under subsection (c)(4);

''(ii) is convicted of a felony or 3 or more misdemeanors committed in the United States; or

''(iii) is convicted of an offense, an element of which involves bodily injury, threat of serious bodily injury, or harm to property in excess of $500.

''(4) GROUNDS FOR REMOVAL.—Any alien granted Z–A visa status who does not apply for adjustment of status or renewal of Z status under section 601 (k)(2) prior to the expiration of the application period described in subsection (c)(l)(B) or who fails to meet the other requirements of paragraph (1) by the end of the application period, is deportable and may be removed under section 240.

''(5) PAYMENT OF TAXES.—

''(A) IN GENERAL.—Not later than the date on which an alien's status is adjusted as described in this subsection, the alien shall establish that the alien does not owe any applicable Federal tax liability by establishing that—

''(i) no such tax liability exists;

''(ii) all such outstanding tax liabilities have been paid; or

''(iii) the alien has entered into an agreement for payment of all outstanding liabilities with the Internal Revenue Service.

''(B) APPLICABLE FEDERAL TAX LIABILITY.—In this paragraph, the term 'applicable Federal tax liability' means liability for Federal taxes, including penalties and interest, owed for any year during the period of employment required under paragraph (l)(A) for which the statutory period for assessment of any deficiency for such taxes has not expired.

''(C) IRS COOPERATION.—The Secretary of the Treasury shall establish rules and procedures under which the Commissioner of Internal Revenue shall provide documentation to an alien upon request to establish the payment of all taxes required by this subsection.

''(6) ENGLISH LANGUAGE.—

''(A) IN GENERAL.—Not later than the date on which a Z–A nonimmigrant's status is adjusted or renewed under section 601 (k)(2), a Z–A nonimmigrant who is 18 years of age or older must pass the naturalization test described in sections 312(a)(I) and (2).

''(B) EXCEPTION.—The requirement of subparagraph (A) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z–A nonimmigrant status—(i) is unable because of physical or developmental disability or mental impairment to comply therewith;

(ii) is over fifty years of age and has been living in the United States for periods totaling at least twenty years, or

(iii) is over fifty-five years of age and has been living in the United States for periods totaling at least fifteen years.

''(7) PRIORITY OF APPLICATIONS.—

''(A) BACK OF LINE.—An alien may not adjust status to that of a lawful permanent resident under this subsection until 30 days after the date on which an immigrant visa becomes available for approved petitions filed under sections 201, 202, and 203 of the Act that were filed before May 1, 2005 (referred to in this paragraph as the 'processing date').

''(B) OTHER APPLICANTS.—The processing of applications for an adjustment of status under this subsection shall be processed not later than 1 year after the processing date.

''(C) CONSULAR APPLICATION.—

(i) IN GENERAL.—A Z–A nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(ii) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–A nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. The Secretary of State shall direct a consular office in a country that is not a Z–A nonimmigrant's country of origin to accept an application for adjustment of status from such an alien, where the Z–A nonimmigrant's country of origin is not contiguous to the United States, and as consular resources make possible.

''(k) CONFIDENTIALITY OF INFORMATION.—Applicants for Z–A nonimmigrant status under this subtitle shall be afforded confidentiality as provided under section 604.

''(1) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

''(1) CRIMINAL PENALTY.—Any person who—

''(A) applies for a Z–A visa or a Z–A dependent visa under this section or an adjustment of status described in subsection (j) and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry; or

''(B) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, imprisoned not more than 5 years, or both.

''(2) INADMISSIBILITY.—An alien who is convicted of a crime under paragraph (1) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(6)(C)(i).

''(m) ELIGIBILITY FOR LEGAL SERVICES.—Section 504(a)(11) of Public Law 104–134 (110 Stat. 1321–53 et seq.) shall not be construed to prevent a recipient of funds under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) from providing legal assistance directly related to an application for a Z–A visa under subsection (b) or an adjustment of status under subsection (j).

''(n) ADMINISTRATIVE AND JUDICIAL REVIEW.—Administrative or judicial review of a determination on an application for a Z–A visa shall be such as is provided under section 603.

''(o) PUBLIC OUTREACH.—Beginning not later than the first day of the application period described in subsection (c)(1)(B), the Secretary shall cooperate with qualified designated entities to broadly disseminate information regarding the availability of Z–A visas, the benefits of such visas, and the requirements to apply for and be granted such a visa.''.

(c) NUMERICAL LIMITATIONS.—

(1) WORLDWIDE LEVEL OF IMMIGRATION.—Section 201(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1151(b)(1)), as amended by [ ], is further amended—

(A) in subparagraph (A), by striking ''subparagraph (A) or (B)'' and inserting ''subparagraph (A), (B), or (N)''; and

(B) by adding at the end, the following new subparagraph:

''(N) Aliens issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) who receive an adjustment of status to that of an alien lawfully admitted for permanent residence.''.

(2) NUMERICAL LIMITATIONS ON INDIVIDUAL FOREIGN STATES.—Section 202(a) of the Immigration and Nationality Act (8 U.S.C. 1152) is amended by adding at the end the following new paragraph:

''(6) SPECIAL RULE FOR Z–A NONIMMIGRANTS.—An immigrant visa may be made available to an alien issued a Z–A visa or a Z–A dependent visa (as those terms are defined in section 214A) without regard to the numerical limitations of this section.''.

(d) CLERICAL AMENDMENT.—The table of contents of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to section 214 the following:

''Sec. 214A. Admission of agricultural worker.''.

SEC. 623. AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.

Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following new subsection:

''(y) AGRICULTURAL WORKER IMMIGRATION STATUS ADJUSTMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account, which shall be known as the 'Agricultural Worker Immigration Status Adjustment Account'. Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 214A.

''(2) USE OF FEES.—The fees deposited into the Agricultural Worker Immigration Status Adjustment Account shall be used by the Secretary of Homeland Security for processing applications made by aliens seeking nonimmigrant status under section 101(a)(15)(Z–A) or for processing applications made by such an alien who is seeking an adjustment of status

''(3) AVAILABILITY OF FUNDS.—All amounts deposited in the Agricultural Worker Immigration Status Adjustment Account under this subsection shall remain available until expended.''.

SEC. 624. REGULATIONS, EFFECTIVE DATE, AUTHORIZATION OF APPROPRIATIONS.

(a) REGULATIONS.—The Secretary shall issue regulations to carry out the amendments made by this subtitle not later than the first day of the seventh month that begins after the date of enactment of this Act.

(b) EFFECTIVE DATE.—This subtitle shall take effect on the date that regulations required by subsection (a) are issued, regardless of whether such regulations are issued on an interim basis or on any other basis.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to implement this subtitle, including any sums needed for costs associated with the initiation of such implementation.

PART II—CORRECTION OF SOCIAL SECURITY RECORDS

SEC. 625. CORRECTION OF SOCIAL SECURITY RECORDS.

(a) IN GENERAL.—Section 208(e)(1) of the Social Security Act (42 U.S.C. 408(e)(1)) is amended—

(1) in subparagraph (B)(ii), by striking ''or'' at the end;

(2) in subparagraph (C), by inserting ''or'' at the end;

(3) by inserting after subparagraph (C) the following:

''(D) who is granted nonimmigrant status pursuant to section 101(a)(15)(Z–A) of the Immigration and Nationality Act,''; and

(4) by striking ''1990.'' and inserting ''1990, or in the case of an alien described in subparagraph (D), if such conduct is alleged to have occurred before the date on which the alien was granted such nonimmigrant status.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the first day of the seventh month that begins after the date of the enactment of this Act.

SA 1441. Mr. GRASSLEY (for himself, Mr. BAUCUS, and Mr. OBAMA) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike title III and insert the following:

TITLE III—UNLAWFUL EMPLOYMENT OF ALIENS

SEC. 301. UNLAWFUL EMPLOYMENT OF ALIENS.

(a) IN GENERAL.—Section 274A (8 U.S.C. 1324a) is amended to read as follows:

''SEC. 274A. UNLAWFUL EMPLOYMENT OF ALIENS.

''(a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

''(1) IN GENERAL.—It is unlawful for an employer—

''(A) to hire, or to recruit or refer for a fee, an alien for employment in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to such employment; or

''(B) to hire, or to recruit or refer for a fee, an individual for employment in the United States, unless such employer meets the requirements of subsections (c) and (d).

''(2) CONTINUING EMPLOYMENT.—It is unlawful for an employer, after hiring an alien for employment, to continue to employ the alien in the United States knowing, or with reckless disregard for the fact that, the alien is (or has become) an unauthorized alien with respect to such employment.

''(3) USE OF LABOR THROUGH CONTRACT.—

''(A) IN GENERAL.—An employer who uses a contract, subcontract, or exchange to obtain, or to continue to obtain, the labor of an alien in the United States knowing, or with reckless disregard for the fact that, the alien is an unauthorized alien with respect to performing such labor, shall be considered to have hired the alien in violation of paragraph (1)(A) or (2).

''(B) INFORMATION SHARING.—The Secretary shall establish procedures by which the employer may obtain confirmation from the Secretary that the alien is not an unauthorized alien with respect to performing such labor.

''(4) DEFENSE.—

''(A) IN GENERAL.—Subject to subparagraph (B), an employer that establishes that the employer has complied in good faith with the requirements of subsections (c) and (d) has established an affirmative defense that the employer has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

''(B) EXCEPTION.—Until the date that an employer is required to participate in the Electronic Employment Verification System under subsection (d) or is participating in such System on a voluntary basis, the employer may establish an affirmative defense under subparagraph (A) by complying with the requirements of subsection (c).

''(b) ORDER OF INTERNAL REVIEW AND CERTIFICATION OF COMPLIANCE.—

''(1) AUTHORITY TO REQUIRE CERTIFICATION.—If the Secretary has reasonable cause to believe that an employer has failed to comply with this section, the Secretary is authorized, at any time, to require that the employer certify that the employer is in compliance with this section, or has instituted a program to come into compliance.

''(2) CONTENT OF CERTIFICATION.—Not later than 60 days after the date an employer receives a request for a certification under paragraph (1) the employer shall certify under penalty of perjury that—

''(A) the employer is in compliance with the requirements of subsections (c) and (d); or

''(B) that the employer has instituted a program to come into compliance with such requirements.

''(3) EXTENSION.—The 60-day period referred to in paragraph (2), may be extended by the Secretary for good cause, at the request of the employer.

''(4) PUBLICATION.—The Secretary is authorized to publish in the Federal Register standards or methods for certification under paragraph (1) and for specific recordkeeping practices with respect to such certification, and procedures for the audit of any records related to such certification.

''(c) DOCUMENT VERIFICATION REQUIREMENTS.—An employer hiring, or recruiting or referring for a fee, an individual for employment in the United States, shall verify that the individual is eligible for such employment by meeting the following requirements:

''(1) ATTESTATION BY EMPLOYER.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The employer shall attest, under penalty of perjury and on a form prescribed by the Secretary, that the employer has verified the identity and eligibility for employment of the individual by examining a document described in subparagraph (B).

''(ii) SIGNATURE REQUIREMENTS.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(iii) STANDARDS FOR EXAMINATION.—The employer has complied with the requirement of this paragraph with respect to examination of documentation if a reasonable person would conclude that the document examined is genuine and relates to the individual whose identity and eligibility for employment in the United States is being verified. If the individual provides a document sufficient to meet the requirements of this paragraph, nothing in this paragraph shall be construed as requiring an employer to solicit any other document or as requiring the individual to produce any other document.

''(B) IDENTIFICATION DOCUMENTS.—A document described in this subparagraph is—

''(i) in the case of an individual who is a national of the United States—

''(I) a United States passport, or passport card issued pursuant to the Secretary of State's authority under the first section of the Act of July 3, 1926 (44 Stat. 887, Chapter 772; 22 U.S.C. 211a); or

''(II) a driver's license or identity card issued by a State, the Commonwealth of the Northern Mariana Islands, or an outlying possession of the United States that—

''(aa) contains a photograph of the individual and other identifying information, including the individual's name, date of birth, gender, and address; and

''(bb) contains security features to make the license or card resistant to tampering, counterfeiting, and fraudulent use;

''(ii) in the case of an alien lawfully admitted for permanent residence in the United States, a permanent resident card, as specified by the Secretary that meets the requirements of items (aa) and (bb) of clause (i)(II);

''(iii) in the case of an alien who is authorized to be employed in the United States, an employment authorization card, as specified by the Secretary that meets the requirements of such items (aa) and (bb); or

''(iv) in the case of an individual who is unable to obtain a document described in clause (i), (ii), or (iii), a document designated by the Secretary that meets the requirements of such items (aa) and (bb).

''(C) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—

''(i) AUTHORITY.—If the Secretary finds that a document or class of documents described in subparagraph (B) is not reliable to establish identity or is being used fraudulently to an unacceptable degree, the Secretary shall prohibit, or impose conditions, on the use of such document or class of documents for purposes of this subsection.

''(ii) REQUIREMENT FOR PUBLICATION.—The Secretary shall publish notice of any findings under clause (i) in the Federal Register.

''(2) ATTESTATION OF EMPLOYEE.—

''(A) REQUIREMENTS.—

''(i) IN GENERAL.—The individual shall attest, under penalty of perjury on the form described in paragraph (1)(A)(i), that the individual is a national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized to be hired, or to be recruited or referred for a fee, in the United States.

''(ii) SIGNATURE FOR EXAMINATION.—An attestation required by clause (i) may be manifested by a handwritten or electronic signature.

''(B) PENALTIES.—An individual who falsely represents that the individual is eligible for employment in the United States in an attestation required by subparagraph (A) shall, for each such violation, be subject to a fine of not more than $5,000, a term of imprisonment not to exceed 3 years, or both.

''(3) RETENTION OF ATTESTATION.—The employer shall retain a paper, microfiche, microfilm, or electronic version of the attestations made under paragraphs (1) and (2) and make such attestations available for inspection by an officer of the Department of Homeland Security, any other person designated by the Secretary, the Special Counsel for Immigration-Related Unfair Employment Practices of the Department of Justice, or the Secretary of Labor during a period beginning on the date of the hiring, or recruiting or referring for a fee, of the individual and ending—

''(A) in the case of the recruiting or referral for a fee (without hiring) of an individual, 5 years after the date of the recruiting or referral; or

''(B) in the case of the hiring of an individual the later of—

''(i) 5 years after the date of such hiring;

''(ii) 1 year after the date the individual's employment is terminated; or

''(iii) in the case of an employer or class of employers, a period that is less than the applicable period described in clause (i) or (ii) if the Secretary reduces such period for such employer or class of employers.

''(4) DOCUMENT RETENTION AND RECORDKEEPING REQUIREMENTS.—

''(A) RETENTION OF DOCUMENTS.—Notwithstanding any other provision of law, an employer shall retain, for the applicable period described in paragraph (3), the following documents:

''(i) IN GENERAL.—The employer shall copy all documents presented by an individual described in paragraph (1)(B) and shall retain paper, microfiche, microfilm, or electronic copies of such documents. Such copies shall be designated as copied documents.

''(ii) OTHER DOCUMENTS.—The employer shall maintain records of any action taken and copies of any correspondence written or received with respect to the verification of an individual's identity or eligibility for employment in the United States.

''(B) USE OF RETAINED DOCUMENTS.—An employer shall use copies retained under clause (i) or (ii) of subparagraph (A) only for the purposes of complying with the requirements of this subsection, except as otherwise permitted under law.

''(5) PENALTIES.—An employer that fails to comply with the recordkeeping requirements of this subsection shall be subject to the penalties described in subsection (e)(4)(B).

''(6) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section may be construed to authorize, directly or indirectly, the issuance, use, or establishment of a national identification card.

''(d) ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(1) REQUIREMENT FOR SYSTEM.—The Secretary, in cooperation with the Commissioner of Social Security, shall implement an Electronic Employment Verification System (referred to in this subsection as the 'System') to determine whether—

''(A) the identifying information submitted by an individual is consistent with the information maintained by the Secretary, the Secretary of State, the Commissioner of Social Security, or the official of a State responsible for issuing drivers' licenses and identity cards; and

''(B) such individual is eligible for employment in the United States.

''(2) REQUIREMENT FOR PARTICIPATION.—

''(A) NEW EMPLOYEES.—The Secretary shall require all employers in the United States to participate in the System, with respect to all employees hired by the employer on or after the date that is not later than 18 months after the date of enactment of this section.

''(B) OTHER EMPLOYEES.—Not later than 3 years after such date of enactment, the Secretary shall require all employers to verify through the System the identity and employment eligibility of any individual who—

''(i) the Secretary has reason to believe is unlawfully employed based on the information received under section 6103(l)(21) of the Internal Revenue Code of 1986; and

''(ii) has not been previously verified through the System.

''(3) OTHER PARTICIPATION IN SYSTEM.—Notwithstanding paragraph (2), the Secretary has the authority—

''(A) to permit any employer that is not required to participate in the System under paragraph (2) to participate in the System on a voluntary basis; and

''(B) to require any employer or class of employers to participate on a priority basis in the System with respect to individuals employed as of, or hired after, the date of enactment of this section—

''(i) if the Secretary designates such employer or class of employers as a critical employer based on an assessment of homeland security or national security needs; or

''(ii) if the Secretary has reasonable cause to believe that the employer has engaged in material violations of paragraph (1), (2), or (3) of subsection (a).

''(4) REQUIREMENT TO NOTIFY.—The Secretary shall notify the employer or class of employers in writing regarding the requirement for participation in the System under paragraph (2) or (3)(B) not less than 60 days prior to the effective date of such requirement. Such notice shall include the training materials described in paragraph (8)(E)(iv).

''(5) REGISTRATION OF EMPLOYERS.—An employer shall register the employer's participation in the System in the manner prescribed by the Secretary prior to the date the employer is required or permitted to submit information with respect to an employee under this subsection.

''(6) ADDITIONAL GUIDANCE.—A registered employer shall be permitted to utilize any technology that is consistent with this section and with any regulation or guidance from the Secretary to streamline the procedures to facilitate compliance with—

''(A) the attestation requirement in subsection (c); and

''(B) the employment eligibility verification requirements in this subsection.

''(7) CONSEQUENCE OF FAILURE TO PARTICIPATE.—If an employer is required to participate in the System and fails to comply with the requirements of the System with respect to an employee—

''(A) such failure shall be treated as a violation of subsection (a)(1)(B); and

''(B) a rebuttable presumption is created that the employer has violated subsection (a)(1)(A), however, such presumption may not apply to a prosecution under subsection (f)(1).

''(8) DESIGN AND OPERATION OF SYSTEM.—

''(A) IN GENERAL.—The Secretary shall, through the System—

''(i) respond to each inquiry made by a registered employer through the Internet or other electronic media, or over a toll-free telephone line regarding an individual's identity and eligibility for employment in the United States; and

''(ii) maintain a record of each such inquiry and the information provided in response to such inquiry.

''(B) INITIAL INQUIRY.—

''(i) INFORMATION REQUIRED.—A registered employer shall with respect to hiring or recruiting or referring for a fee any individual for employment in the United States, obtain from the individual and record on the form described in subsection (c)(1)(A)(i)—

''(I) the individual's name and date of birth;

''(II) the individual's social security account number;

''(III) the identification number contained on the document presented by the individual pursuant to subsection (c)(1)(B); and

''(IV) in the case of an individual who does not attest that the individual is a national of the United States under subsection (c)(1)(A)(i), such alien identification or authorization number that the Secretary shall require.

''(ii) SUBMISSION TO SYSTEM.—A registered employer shall submit an inquiry through the System to seek confirmation of the individual's identity and eligibility for employment in the United States—

''(I) no earlier than the date of hire and no later than the first day of employment, or recruiting or referring for a fee, of the individual (as the case may be); or

''(II) in the case of an employee hired before such employer was required to participate in the system, at such time as the Secretary shall specify.

''(C) INITIAL RESPONSE.—Not later than 3 days after an employer submits an inquiry to the System regarding an individual, the Secretary shall provide, through the System, to the employer—

''(i) if the System is able to confirm the individual's identity and eligibility for employment in the United States, a confirmation notice, including the appropriate codes on such confirmation notice; or

''(ii) if the System is unable to confirm the individual's identity or eligibility for employment in the United States, and after a secondary manual verification has been conducted, a tentative nonconfirmation notice, including the appropriate codes on such tentative nonconfirmation notice.

''(D) CONFIRMATION OR NONCONFIRMATION.—

''(i) CONFIRMATION UPON INITIAL INQUIRY.—If an employer receives a confirmation notice under subparagraph (C)(i) for an individual, the employer shall record, on the form described in subsection (c)(1)(A)(i), the appropriate code provided in such notice.

''(ii) TENTATIVE NONCONFIRMATION.—If an employer receives a tentative nonconfirmation notice under subparagraph (C)(ii) for an individual, the employer shall inform such individual of the issuance of such notice in writing, on a form prescribed by the Secretary not later than 3 days after receiving such notice. Such individual shall acknowledge receipt of such notice in writing on the form described in subsection (c)(1)(A)(i).

''(iii) NO CONTEST.—If the individual does not contest the tentative nonconfirmation notice within 10 days of receiving notice from the individual's employer, the notice shall become final and the employer shall record on the form described in subsection (c)(1)(A)(i), the appropriate code provided through the System to indicate the individual did not contest the tentative nonconfirmation. An individual's failure to contest a tentative nonconfirmation shall not be considered an admission of guilt with respect to any violation of this Act or any other provision of law.

''(iv) CONTEST.—If the individual contests the tentative nonconfirmation notice, the individual shall submit appropriate information to contest such notice under the procedures established in subparagraph (E)(ii) not later than 10 days after receiving the notice from the individual's employer.

''(v) EFFECTIVE PERIOD OF TENTATIVE NONCONFIRMATION NOTICE.—A tentative nonconfirmation notice shall remain in effect until such notice becomes final under clause (iii) or a final confirmation notice or final nonconfirmation notice is issued through the System.

''(vi) EFFECTIVE PERIOD OF FINAL NOTICE.—A final confirmation notice issued under this paragraph for an individual shall remain in effect—

''(I) during any continuous period of employment of such individual by such employer, unless the Secretary determines the final confirmation was the result of error or fraud; or

''(II) in the case of an alien authorized to be employed in the United States for a temporary period, during such period.

''(vii) PROHIBITION ON TERMINATION.—An employer may not terminate such employment of an individual based on a tentative nonconfirmation notice until such notice becomes final under clause (iii) or a final nonconfirmation notice is issued for the individual by the System. Nothing in this clause shall prohibit the termination of such employment for any reason other than such tentative nonconfirmation.

''(viii) RECORDING OF CONTEST RESOLUTION.—The employer shall record on the form described in subsection (c)(1)(A)(i) the appropriate code that is provided through the System to indicate a final confirmation notice or final nonconfirmation notice.

''(ix) CONSEQUENCES OF NONCONFIRMATION.—If the employer has received a final nonconfirmation regarding an individual, the employer shall immediately terminate the employment, recruitment, or referral of the individual. Such employer shall provide to the Secretary any information relating to the individual that the Secretary determines would assist the Secretary in enforcing or administering the immigration laws. If the employer continues to employ, recruit, or refer the individual after receiving final nonconfirmation, a rebuttable presumption is created that the employer has violated subsections (a)(1)(A) and (a)(2). Such presumption may not apply to a prosecution under subsection (f)(1).

''(E) RESPONSIBILITIES OF THE SECRETARY.—

''(i) IN GENERAL.—The Secretary shall establish a reliable, secure method to provide through the System, within the time periods required by this subsection—

''(I) a determination of whether the name and alien identification or authorization number provided in an inquiry by an employer is consistent with such information maintained by the Secretary in order to confirm the validity of the information provided; and

''(II) a determination of whether the individual is authorized to be employed in the United States.

''(ii) CONTEST AND SELF-VERIFICATION.—The Secretary in consultation with the Commissioner of Social Security, shall establish procedures to permit an individual who contests a tentative or final nonconfirmation notice, or seeks to verify the individual's own employment eligibility prior to obtaining or changing employment, to contact the appropriate agency and, in a timely manner, correct or update the information used by the System.

''(iii) INFORMATION TO EMPLOYEE.—The Secretary shall develop a written form for employers to provide to individuals who receive a tentative or final nonconfirmation notice. Such form shall be made available in a language other than English, as necessary and reasonable, and shall include—

''(I) information about the reason for such notice;

''(II) the right to contest such notice;

''(III) contact information for the appropriate agency and instructions for initiating such contest; and

''(IV) a 24-hour toll-free telephone number to respond to inquiries related to such notice.

''(iv) TRAINING MATERIALS.—The Secretary shall make available or provide to the employer, upon request, not later than 60 days prior to such employer's participation in the System, appropriate training materials to facilitate compliance with this subsection, and sections 274B(a)(7) and 274C(a).

''(F) RESPONSIBILITIES OF THE COMMISSIONER OF SOCIAL SECURITY.—The responsibilities of the Commissioner of Social Security with respect to the System are set out in section 205(c)(2) of the Social Security Act.

''(G) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(I) and transmit to the Secretary the related photographic image or other identifying information.

''(H) RESPONSIBILITIES OF A STATE.—The official responsible for issuing drivers' licenses and identity cards for a State shall establish a reliable, secure method to provide through the System a confirmation of the issuance of identity documents described in subsection (c)(1)(B)(i)(II) and transmit to the Secretary the related photographic image or other identifying information.

''(9) PROTECTION FROM LIABILITY.—No employer that participates in the System shall be liable under any law for any employment-related action taken with respect to an individual in good faith reliance on information provided by the System.

''(10) ADMINISTRATIVE REVIEW.—

''(A) IN GENERAL.—An individual who is terminated from employment as a result of a final nonconfirmation notice may, not later than 30 days after the date of such termination, file an appeal of such notice.

''(B) PROCEDURES.—The Secretary and Commissioner of Social Security shall develop procedures to review appeals filed under subparagraph (A) and to make final determinations on such appeals.

''(C) REVIEW FOR ERRORS.—If a final determination on an appeal filed under subparagraph (A) results in a confirmation of an individual's eligibility to work in the United States, the administrative review process shall require the Secretary to determine whether the final nonconfirmation notice issued for the individual was the result of—

''(i) the decision rules, processes, or procedures utilized by the System;

''(ii) a natural disaster, or other event beyond the control of the government;

''(iii) acts or omissions of an employee or official operating or responsible for the System;

''(iv) acts or omissions of the individual's employer;

''(v) acts or omissions of the individual; or

''(vi) any other reason.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—If the Secretary makes a determination under subparagraph (C) that the final nonconfirmation notice issued for an individual was caused by a negligent, reckless, willful, or malicious act of the government, and was not due to an act or omission of the individual, the Secretary shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work schedule that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under this paragraph and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a confirmation described in subparagraph (C).

''(11) JUDICIAL REVIEW.—

''(A) IN GENERAL.—After the Secretary makes a final determination on an appeal filed by an individual under the administrative review process described in paragraph (10), the individual may obtain judicial review of such determination by a civil action commenced not later than 30 days after the date of such decision, or such further time as the Secretary may allow.

''(B) JURISDICTION.—A civil action for such judicial review shall be brought in the district court of the United States for the judicial district in which the plaintiff resides, or has a principal place of business, or, if the plaintiff does not reside or have a principal place of business within any such judicial district, in the District Court of the United States for the District of Columbia.

''(C) ANSWER.—As part of the Secretary's answer to a complaint for such judicial review, the Secretary shall file a certified copy of the administrative record compiled during the administrative review under paragraph (10), including the evidence upon which the findings and decision complained of are based. The court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming or reversing the result of that administrative review, with or without remanding the cause for a rehearing.

''(D) COMPENSATION FOR ERROR.—

''(i) IN GENERAL.—In cases in which such judicial review reverses the final determination of the Secretary made under paragraph

(10), the court shall compensate the individual for lost wages.

''(ii) CALCULATION OF LOST WAGES.—Lost wages shall be calculated based on the wage rate and work scheduled that prevailed prior to termination. The individual shall be compensated for wages lost during the period beginning on the date the individual files a notice of appeal under paragraph (10) and ending on the earlier of—

''(I) the date which is 180 days thereafter; or

''(II) the day after the date the individual receives a reversal described in clause (i).

''(12) COMPENSATION FOR LOSS OF EMPLOYMENT.—For purposes of paragraphs (10) and (11)—

''(A) LIMITATION ON COMPENSATION.—For purposes of determining an individual's compensation for the loss of employment, such compensation shall not include any period in which the individual was not present in, or was ineligible for employment in, the United States.

''(B) SOURCE OF FUNDS.—Compensation or reimbursement provided under such paragraphs shall be provided from funds appropriated that are not otherwise obligated.

''(13) LIMITATION ON COLLECTION AND USE OF DATA.—

''(A) LIMITATION ON COLLECTION OF DATA.—

''(i) IN GENERAL.—The Secretary shall collect and maintain only the minimum data necessary to facilitate the successful operation of the System, and in no case shall the data be other than—

''(I) information necessary to register employers under paragraph (5);

''(II) information necessary to initiate and respond to inquiries or contests under paragraph (8);

''(III) information necessary to establish and enforce compliance with paragraphs (5) and (8);

''(IV) information necessary to detect and prevent employment-related identity fraud; and

''(V) such other information the Secretary determines is necessary, subject to a 180-day notice and comment period in the Federal Register.

''(ii) PENALTIES.—Any officer, employee, or contractor who willfully and knowingly collects and maintains data in the System other than data described in clause (i) shall be guilty of a misdemeanor and fined $1,000 for each violation.

''(B) LIMITATION ON USE OF DATA.—Whoever willfully and knowingly accesses, discloses, or uses any information obtained or maintained by the System—

''(i) for the purpose of committing identity fraud, or assisting another person in committing identity fraud, as defined in section 1028 of title 18, United States Code;

''(ii) for the purpose of unlawfully obtaining employment in the United States or unlawfully obtaining employment in the United States for any other person; or

''(iii) for any purpose other than as provided for under any provision of law;

shall be guilty of a felony and upon conviction shall be fined under title 18, United States Code, or imprisoned for not more than 5 years, or both.

''(C) EXCEPTIONS.—Nothing in subparagraph (A) or (B) may be construed to limit the collection, maintenance, or use of data by the Commissioner of Internal Revenue or the Commissioner of Social Security as provided by law.

''(14) MODIFICATION AUTHORITY.—The Secretary, after notice is submitted to Congress and provided to the public in the Federal Register, is authorized to modify the requirements of this subsection with respect to completion of forms, method of storage, attestations, copying of documents, signatures, methods of transmitting information, and other operational and technical aspects to improve the efficiency, accuracy, and security of the System. The Secretary shall minimize the collection and storage of paper documents and maximize the use of electronic records, including electronic signatures.

''(15) ANNUAL GAO STUDY AND REPORT.—

''(A) REQUIREMENT.—The Comptroller General of the United States shall conduct an annual study of the System.

''(B) PURPOSE.—The study shall evaluate the accuracy, efficiency, integrity, and impact of the System.

''(C) REPORT.—Not later than the date that is 24 months after the date of the enactment of this section, and annually thereafter, the Comptroller General shall submit to Congress a report containing the findings of the study carried out under this paragraph. Each such report shall include, at a minimum, the following:

''(i) An assessment of System performance with respect to the rate at which individuals who are eligible for employment in the United States are correctly approved within each of the periods specified in paragraph (8), including a separate assessment of such rate for nationals and aliens.

''(ii) An assessment of the privacy and security of the System and its effects on identity fraud or the misuse of personal data.

''(iii) An assessment of the effects of the System on the employment of unauthorized aliens.

''(iv) An assessment of the effects of the System, including the effects of tentative confirmations on unfair immigration-related employment practices, and employment discrimination based on national origin or citizenship status.

''(v) An assessment of whether the Secretary and the Commissioner of Social Security have adequate resources to carry out the duties and responsibilities of this section.

''(e) COMPLIANCE.—

''(1) COMPLAINTS AND INVESTIGATIONS.—The Secretary shall establish procedures—

''(A) for individuals and entities to file complaints regarding potential violations of subsection (a);

''(B) for the investigation of such complaints that the Secretary determines are appropriate to investigate; and

''(C) for the investigation of other violations of subsection (a) that the Secretary determines is appropriate.

''(2) AUTHORITY IN INVESTIGATIONS.—

''(A) IN GENERAL.—In conducting investigations and hearings under this subsection, officers and employees of the Department of Homeland Security—

''(i) shall have reasonable access to examine evidence regarding any employer being investigated; and

''(ii) if designated by the Secretary, may compel by subpoena the attendance of witnesses and the production of evidence at any designated place in an investigation or case under this subsection.

''(B) FAILURE TO COOPERATE.—In case of refusal to obey a subpoena lawfully issued under subparagraph (A)(ii), the Secretary may request that the Attorney General apply in an appropriate district court of the United States for an order requiring compliance with such subpoena, and any failure to obey such order may be punished by such court as contempt.

''(C) DEPARTMENT OF LABOR.—The Secretary of Labor shall have the investigative authority provided under section 11(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 211(a)) to ensure compliance with the provisions of this section.

''(3) COMPLIANCE PROCEDURES.—

''(A) PREPENALTY NOTICE.—If the Secretary has reasonable cause to believe that there has been a violation of a requirement of this section and determines that further proceedings related to such violation are warranted, the Secretary shall issue to the employer concerned a written notice of the Secretary's intention to issue a claim for a fine or other penalty. Such notice shall—

''(i) describe the violation;

''(ii) specify the laws and regulations allegedly violated;

''(iii) specify the amount of fines or other penalties to be imposed;

''(iv) disclose the material facts which establish the alleged violation; and

''(v) inform such employer that the employer shall have a reasonable opportunity to make representations as to why a claim for a monetary or other penalty should not be imposed.

''(B) REMISSION OR MITIGATION OF PENALTIES.—

''(i) REVIEW BY SECRETARY.—If the Secretary determines that such fine or other penalty was incurred erroneously, or determines the existence of such mitigating circumstances as to justify the remission or mitigation of such fine or penalty, the Secretary may remit or mitigate such fine or other penalty on the terms and conditions as the Secretary determines are reasonable and just, or order termination of any proceedings related to the notice. Such mitigating circumstances may include good faith compliance and participation in, or agreement to participate in, the System, if not otherwise required.

''(ii) APPLICABILITY.—This subparagraph may not apply to an employer that has or is engaged in a pattern or practice of violations of paragraph (1), (2), or (3) of subsection (a) or of any other requirements of this section.

''(C) PENALTY CLAIM.—After considering evidence and representations offered by the employer, the Secretary shall determine whether there was a violation and promptly issue a written final determination setting forth the findings of fact and conclusions of law on which the determination is based and the appropriate penalty.

''(4) CIVIL PENALTIES.—

''(A) HIRING OR CONTINUING TO EMPLOY UNAUTHORIZED ALIENS.—Any employer that violates any provision of paragraph (1), (2), or (3) of subsection (a) shall pay civil penalties as follows:

''(i) Pay a civil penalty of $5,000 for each unauthorized alien with respect to each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $10,000 for each unauthorized alien with respect to each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $25,000 for each unauthorized alien with respect to each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph or has failed to comply with a previously issued and final order related to any such provision, pay a civil penalty of $75,000 for each unauthorized alien with respect to each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3)(C) shall be fined $75,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(B) RECORDKEEPING OR VERIFICATION PRACTICES.—Any employer that violates or fails to comply with the recordkeeping requirements of subsections (a), (c), and (d), shall pay a civil penalty as follows:

''(i) Pay a civil penalty of $1,000 for each such violation.

''(ii) If the employer has previously been fined 1 time under this subparagraph, pay a civil penalty of $2,000 for each such violation.

''(iii) If the employer has previously been fined more than 1 time under this subparagraph, pay a civil penalty of $5,000 for each such violation.

''(iv) If the employer has previously been fined more than 2 times under this subparagraph, pay a civil penalty of $15,000 for each such violation.

''(v) An employer who fails to comply with a written final determination under paragraph (3) shall be fined $15,000 for each violation, in addition to any fines or other penalties imposed by such determination.

''(C) OTHER PENALTIES.—Notwithstanding subparagraphs (A) and (B), the Secretary may impose additional penalties for violations, including violations of cease and desist orders, specially designed compliance plans to prevent further violations, suspended fines to take effect in the event of a further violation, and in appropriate cases, the criminal penalty described in subsection (f).

''(5) JUDICIAL REVIEW.—An employer adversely affected by a final determination may, within 30 days after the date the final determination is issued, file a petition in any appropriate district court of the United States. The filing of a petition as provided in this paragraph shall stay the Secretary's determination until entry of judgment by the court. The burden shall be on the employer to show that the final determination was not supported by substantial evidence. The Secretary is authorized to require that the petitioner provide, prior to filing for review, security for payment of fines and penalties through bond or other guarantee of payment acceptable to the Secretary.

''(6) ENFORCEMENT OF ORDERS.—If an employer fails to comply with a final determination issued against that employer under this subsection, and the final determination is not subject to review as provided in paragraph (5), the Attorney General may file suit to enforce compliance with the final determination, not earlier than 31 days and not later than 180 days after the date the final determination is issued, in any appropriate district court of the United States. In any such suit, the validity and appropriateness of the final determination shall not be subject to review.

''(f) CRIMINAL PENALTIES AND INJUNCTIONS FOR PATTERN OR PRACTICE VIOLATIONS.—

''(1) CRIMINAL PENALTY.—An employer that engages in a pattern or practice of knowing violations of subsection (a)(1)(A) or (a)(2) shall be fined not more than $75,000 for each unauthorized alien with respect to whom such a violation occurs, imprisoned for not more than 3 years for the entire pattern or practice, or both.

''(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—If the Secretary or the Attorney General has reasonable cause to believe that an employer is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting a permanent or temporary injunction, restraining order, or other order against the employer, as the Secretary deems necessary.

''(g) ADJUSTMENT FOR INFLATION.—All penalties in this section shall be increased every 4 years beginning January 2011 to reflect the percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) for the 48 month period ending with September of the year preceding the year such adjustment is made. Any adjustment under this subparagraph shall be rounded to the nearest dollar.

''(h) PROHIBITION OF INDEMNITY BONDS.—

''(1) PROHIBITION.—It is unlawful for an employer, in the hiring, recruiting, or referral of an individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referral of the individual.

''(2) CIVIL PENALTY.—Any employer which is determined, after notice and opportunity for mitigation of the monetary penalty under subsection (e), to have violated paragraph (1) of this subsection shall be subject to a civil penalty of $10,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the Employer Compliance Fund established under section 286(z).

''(i) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

''(1) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—If an employer who does not hold a Federal contract, grant, or cooperative agreement is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to debarment from the receipt of a Federal contract, grant, or cooperative agreement for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations. The Secretary or the Attorney General shall advise the Administrator of General Services of such a debarment, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of the debarment.

''(B) WAIVER.—The Administrator of General Services, in consultation with the Secretary and the Attorney General, may waive operation of this subsection or may limit the duration or scope of the debarment.

''(2) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

''(A) IN GENERAL.—An employer who holds a Federal contract, grant, or cooperative agreement and is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, shall be subject to debarment from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years in accordance with the procedures and standards prescribed by the Federal Acquisition Regulations.

''(B) NOTICE TO AGENCIES.—Prior to debarring the employer under subparagraph (A), the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies or departments holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not more than 2 years.

''(C) WAIVER.—After consideration of the views of all agencies or departments that hold a contract, grant, or cooperative agreement with the employer, the Secretary may, in lieu of debarring the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of nor more than 2 years, waive operation of this subsection, limit the duration or scope of the debarment, or may refer to an appropriate lead agency the decision of whether to debar the employer, for what duration, and under what scope in accordance with the procedures and standards prescribed by the Federal Acquisition Regulation. However, any proposed debarment predicated on an administrative determination of liability for civil penalty by the Secretary or the Attorney General shall not be reviewable in any debarment proceeding.

''(3) SUSPENSION.—Indictments for violations of this section or adequate evidence of actions that could form the basis for debarment under this subsection shall be considered a cause for suspension under the procedures and standards for suspension prescribed by the Federal Acquisition Regulation.

''(4) DETERMINATION OF REPEAT VIOLATORS.—Inadvertent violations of recordkeeping or verification requirements, in the absence of any other violations of this section, shall not be a basis for determining that an employer is a repeat violator for purposes of this subsection.

''(j) MISCELLANEOUS PROVISIONS.—

''(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens eligible to be employed in the United States, the Secretary shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement (other than aliens lawfully admitted for permanent residence).

''(2) PREEMPTION.—The provisions of this section preempt any State or local law—

''(A) imposing civil or criminal sanctions upon those who hire, or recruit or refer for a fee, unauthorized aliens for employment; or

''(B) requiring the use of the System for any unauthorized purpose, or any authorized purpose prior to the time such use is required or permitted by Federal law.

''(k) DEPOSIT OF AMOUNTS RECEIVED.—Except as otherwise specified, civil penalties collected under this section shall be deposited by the Secretary into the Employer Compliance Fund established under section 286(z).

''(l) DEFINITIONS.—In this section:

''(1) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Homeland Security.

''(2) UNAUTHORIZED ALIEN.—The term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either—

''(A) an alien lawfully admitted for permanent residence; or

''(B) authorized to be so employed by this Act or by the Secretary under any other provision of law.''.

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENTS.—

(A) REPEAL OF BASIC PILOT.—Sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1324a note) are repealed.

(B) REPEAL OF REPORTING REQUIREMENTS.—

(i) REPORT ON EARNINGS OF ALIENS NOT AUTHORIZED TO WORK.—Subsection (c) of section 290 (8 U.S.C. 1360) is repealed.

(ii) REPORT ON FRAUDULENT USE OF SOCIAL SECURITY ACCOUNT NUMBERS.—Subsection (b) of section 414 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208; 8 U.S.C. 1360 note) is repealed.

(2) CONSTRUCTION.—Nothing in this subsection or in subsection (d) of section 274A, as amended by subsection (a), may be construed to limit the authority of the Secretary to allow or continue to allow the participation of employers who participated in the basic pilot program under sections 401, 402, 403, 404, and 405 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208;

8 U.S.C. 1324a note) in the Electronic Employment Verification System established pursuant to such subsection (d).

(c) TECHNICAL AMENDMENTS.—

(1) DEFINITION OF UNAUTHORIZED ALIEN.—Sections 218(i)(1) (8 U.S.C. 1188(i)(1)), 245(c)(8) (8 U.S.C. 1255(c)(8)), 274(a)(3)(B)(i) (8 U.S.C. 1324(a)(3)(B)(i)), and 274B(a)(1) (8 U.S.C. 1324b(a)(1)) are amended by striking ''274A(h)(3)'' and inserting ''274A''.

(2) DOCUMENT REQUIREMENTS.—Section 274B (8 U.S.C. 1324b) is amended—

(A) in subsections (a)(6) and (g)(2)(B), by striking ''274A(b)'' and inserting ''274A(c) and (d)''; and

(B) in subsection (g)(2)(B)(ii), by striking ''274A(b)(5)'' and inserting ''274A(c)''.

(d) AMENDMENTS TO THE SOCIAL SECURITY ACT.—

(1) Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraphs:

''(I)(i) The Commissioner of Social Security shall, subject to the provisions of section 301(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, establish a reliable, secure method to provide through the Electronic Employment Verification System established pursuant to subsection (d) of section 274A of the Immigration and Nationality Act (referred to in this subparagraph as the 'System'), within the time periods required by paragraph (8) of such subsection—

''(I) a determination of whether the name, date of birth, and social security account number of an individual provided in an inquiry made to the System by an employer is consistent with such information maintained by the Commissioner;

''(II) a determination of the citizenship status associated with such name and social security account number, according to the records maintained by the Commissioner;

''(III) a determination of whether the name and number belongs to an individual who is deceased, according to the records maintained by the Commissioner;

''(IV) a determination of whether the name and number is blocked in accordance with clause (ii); and

''(V) a confirmation notice or a nonconfirmation notice described in such paragraph (8), in a manner that ensures that other information maintained by the Commissioner is not disclosed or released to employers through the System.

''(ii) The Commissioner of Social Security shall prevent the fraudulent or other misuse of a social security account number by establishing procedures under which an individual who has been assigned a social security account number may block the use of such number under the System and remove such block.

''(J) In assigning social security account numbers to aliens who are authorized to work in the United States under section 218A of the Immigration and Nationality Act, the Commissioner of Social Security shall—

''(i) to the maximum extent practicable, assign such numbers by employing the enumeration procedure administered jointly by the Commissioner, the Secretary of State, and the Secretary of Homeland Security;

''(ii) in all cases, record, verify, and maintain an electronic record of the alien identification or authorization number issued by the Secretary and utilized by the Commissioner in assigning such social security account number; and

''(iii) upon the issuance of a social security account number, transmit such number to the Secretary of Homeland Security for inclusion in such alien's record maintained by the Secretary.''.

(2) Section 205(c)(2)(C)(i) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(i)) is amended by adding at the end the following: ''Any State that utilizes a social security account number for such purpose shall enter into an agreement with the Commissioner to allow the Commissioner to verify the name, date of birth, and the identity number issued by the official the State responsible for issuing drivers' licenses and identity cards. Such agreement shall be under the same terms and conditions as agreements entered into by the Commissioner under paragraph 205(r)(8).''.

(3) Section 205(r) of the Social Security Act (42 U.S.C. 405(r)) is amended by adding at the end the following new paragraph:

''(9) Notwithstanding this section or any agreement entered into thereunder, the Commissioner of Social Security is authorized to disclose death information to the Secretary of Homeland Security to the extent necessary to carry out the responsibilities required under subsection (c)(2) and section 6103(l)(21) of the Internal Revenue Code of 1986.''.

(e) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION.—

(1) IN GENERAL.—Section 6103(l) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(21) DISCLOSURE OF CERTAIN TAXPAYER IDENTITY INFORMATION BY THE SOCIAL SECURITY ADMINISTRATION TO THE DEPARTMENT OF HOMELAND SECURITY.—

''(A) IN GENERAL.—Upon written request by the Secretary of Homeland Security, the Commissioner of Social Security or the Secretary shall disclose directly to officers, employees, and contractors of the Department of Homeland Security the following information:

''(i) DISCLOSURE OF EMPLOYER NO MATCH NOTICES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains—

''(I) 1 (or any greater number the Secretary shall request) name and taxpayer identifying number of any employee (within the meaning of section 6051) or any recipient (within the meaning of section 6041(a)) that could not be matched to the records maintained by the Commissioner of Social Security, or

''(II) 2 (or any greater number the Secretary shall request) names of employees (within the meaning of such section) or recipients (within the meaning of section 6041(a)) with the same taxpayer identifying number,

and the taxpayer identity of each such employee or recipient.

''(ii) DISCLOSURE OF INFORMATION REGARDING USE OF DUPLICATE TAXPAYER IDENTIFYING INFORMATION OF EMPLOYEES.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) for tax year 2005 and subsequent tax years that end before the date that is specified in subparagraph (F) which contains the taxpayer identifying number (assigned under section 6109) of an employee (within the meaning of section 6051) or a recipient (within the meaning of section 6041(a))—

''(I) who is under the age of 14 (or any lesser age the Secretary shall request), according to the records maintained by the Commissioner of Social Security,

''(II) whose date of death, according to the records so maintained, occurred in a calendar year preceding the calendar year for which the information return was filed,

''(III) whose taxpayer identifying number is contained in more than one (or any greater number the Secretary shall request) information return filed in such calendar year, or

''(IV) who is not authorized to work in the United States, according to the records maintained by the Commissioner of Social Security,

and the taxpayer identity of each such employee or recipient.

''(iii) DISCLOSURE OF INFORMATION REGARDING NONPARTICIPATING EMPLOYERS.—The taxpayer identity of each person who has filed an information return required by reason of section 6051 or section 6041(a) which the Commissioner of Social Security or the Secretary, as the case may be, has reason to believe, based on a comparison with information submitted by the Secretary of Homeland Security, contains evidence of such person's failure to register and participate in the Electronic Employment Verification System authorized under section 274A(d) of the Immigration and Nationality Act (hereafter in this paragraph referred to as the 'System').

''(iv) DISCLOSURE OF INFORMATION REGARDING NEW EMPLOYEES OF NONPARTICIPATING EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) hired and recipients (within the meaning of section 6041(a)) retained after the date a person identified in clause (iii) is required to participate in the System under section 274A(d)(2) or section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(v) DISCLOSURE OF INFORMATION REGARDING EMPLOYEES OF CERTAIN DESIGNATED EMPLOYERS.—The taxpayer identity of all employees (within the meaning of section 6051) and recipients (within the meaning of section 6041(a)) of each person who is required to participate in the System under section 274A(d)(3)(B) of the Immigration and Nationality Act.

''(vi) DISCLOSURE OF NEW HIRE TAXPAYER IDENTITY INFORMATION.—The taxpayer identity of each person participating in the System and the taxpayer identity of all employees (within the meaning of section 6051) of such person hired and all recipients (within the meaning of section 6041(a)) of such person retained during the period beginning with the later of—

''(I) the date such person begins to participate in the System, or

''(II) the date of the request immediately preceding the most recent request under this clause,

ending with the date of the most recent request under this clause.

''(B) RESTRICTION ON DISCLOSURE.—The taxpayer identities disclosed under subparagraph (A) may be used by officers, employees, and contractors of the Department of Homeland Security only for purposes of, and to the extent necessary in—

''(i) preventing identity fraud;

''(ii) preventing aliens from unlawfully obtaining employment in the United States;

''(iii) establishing and enforcing employer participation in the System;

''(iv) carrying out, including through civil administrative and civil judicial proceedings, of sections 212, 217, 235, 237, 238, 274A, 274B, and 274C of the Immigration and Nationality Act; and

''(v) the civil operation of the Alien Terrorist Removal Court.

''(C) REIMBURSEMENT.—The Commissioner of Social Security and the Secretary shall prescribe a reasonable fee schedule based on the additional costs directly incurred for furnishing taxpayer identities under this paragraph and collect such fees in advance from the Secretary of Homeland Security.

''(D) INFORMATION RETURNS UNDER SECTION 6041.—For purposes of this paragraph, any reference to information returns required by reason of section 6041(a) shall only be a reference to such information returns relating to payments for labor.

''(E) FORM OF DISCLOSURE.—The taxpayer identities to be disclosed under paragraph (A) shall be provided in a form agreed upon by the Commissioner of Social Security, the Secretary, and the Secretary of Homeland Security.

''(F) TERMINATION.—This paragraph shall not apply to any request made after the date which is 5 years after the date of the enactment of this paragraph.''.

(2) COMPLIANCE BY DHS CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.—

(A) IN GENERAL.—Section 6103(p) of such Code is amended by adding at the end the following new paragraph:

''(9) DISCLOSURE TO DHS CONTRACTORS.—Notwithstanding any other provision of this section, no return or return information shall be disclosed to any contractor of the Department of Homeland Security unless such Department, to the satisfaction of the Secretary—

''(A) has requirements in effect which require each such contractor which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

''(B) agrees to conduct an on-site review every 3 years (midpoint review in the case of contracts or agreements of less than 3 years in duration) of each contractor to determine compliance with such requirements,

''(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

''(D) certifies to the Secretary for the most recent annual period that such contractor is in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract or agreement with such contractor, and the duration of such contract or agreement.''.

(3) CONFORMING AMENDMENTS.—

(A) Section 6103(a)(3) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(B) Section 6103(p)(3)(A) of such Code is amended by adding at the end the following new sentence: ''The Commissioner of Social Security shall provide to the Secretary such information as the Secretary may require in carrying out this paragraph with respect to return information inspected or disclosed under the authority of subsection (l)(21).''.

(C) Section 6103(p)(4) of such Code is amended—

(i) by striking ''or (17)'' both places it appears and inserting ''(17), or (21)''; and

(ii) by striking ''or (20)'' each place it appears and inserting ''(20), or (21)''.

(D) Section 6103(p)(8)(B) of such Code is amended by inserting ''or paragraph (9)'' after ''subparagraph (A)''.

(E) Section 7213(a)(2) of such Code is amended by striking ''or (20)'' and inserting ''(20), or (21)''.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out the amendments made by this section.

(2) LIMITATION ON VERIFICATION RESPONSIBILITIES OF COMMISSIONER OF SOCIAL SECURITY.—The Commissioner of Social Security is authorized to perform activities with respect to carrying out the Commissioner's responsibilities in this title or the amendments made by this title, but only to the extent funds are appropriated, in advance, to cover the Commissioner's full costs in carrying out such responsibilities. In no case shall funds from the Federal Old-Age and Survivors Insurance Trust Fund or the Federal Disability Insurance Trust Fund be used to carry out such responsibilities.

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a), (b), (c), and (d) shall take effect on the date of the enactment of this Act.

(2) SUBSECTION (e).—

(A) IN GENERAL.—The amendments made by subsection (e) shall apply to disclosures made after the date of the enactment of this Act.

(B) CERTIFICATIONS.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (e)(2), shall be made with respect to calendar year 2008.

SEC. 302. EMPLOYER COMPLIANCE FUND.

Section 286 (8 U.S.C. 1356), as amended by sections 402(b) and 623, is further amended by adding at the end the following new subsection:

''(z) EMPLOYER COMPLIANCE FUND.—

''(1) IN GENERAL.—There is established in the general fund of the Treasury, a separate account, which shall be known as the 'Employer Compliance Fund' (referred to in this subsection as the 'Fund').

''(2) DEPOSITS.—There shall be deposited as offsetting receipts into the Fund all civil monetary penalties collected by the Secretary of Homeland Security under section 274A.

''(3) PURPOSE.—Amounts refunded to the Secretary from the Fund shall be used for the purposes of enhancing and enforcing employer compliance with section 274A.

''(4) AVAILABILITY OF FUNDS.—Amounts deposited into the Fund shall remain available until expended and shall be refunded out of the Fund by the Secretary of the Treasury, at least on a quarterly basis, to the Secretary of Homeland Security.''.

SEC. 303. ADDITIONAL WORKSITE ENFORCEMENT AND FRAUD DETECTION AGENTS.

(a) INCREASE IN NUMBER OF PERSONNEL.—The Secretary shall, subject to the availability of appropriations for such purpose, annually increase, by not less than 2,200, the number of personnel of the Bureau of Immigration and Customs Enforcement during the 5-year period beginning on the date of the enactment of this Act.

(b) USE OF PERSONNEL.—The Secretary shall ensure that not less than 25 percent of all the hours expended by personnel of the Bureau of Immigration and Customs Enforcement shall be used to enforce compliance with sections 274A and 274C of the Immigration and Nationality Act (8 U.S.C. 1324a and 1324c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2012 such sums as may be necessary to carry out this section.

SEC. 304. CLARIFICATION OF INELIGIBILITY FOR MISREPRESENTATION.

Section 212(a)(6)(C)(ii)(I) (8 U.S.C. 1182(a)(6)(C)(ii)(I)), is amended by striking ''citizen'' and inserting ''national''.

SEC. 305. ANTIDISCRIMINATION PROTECTIONS.

(a) APPLICATION OF PROHIBITION OF DISCRIMINATION TO VERIFICATION SYSTEM.—Section 274B(a) (8 U.S.C. 1324b(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting '', the verification of the individual's work authorization through the Electronic Employment Verification System described in section 274A(d),'' after ''the individual for employment''; and

(B) in subparagraph (B), by striking ''in the case of a protected individual (as defined in paragraph (3)),''; and

(2) by striking paragraph (3) and inserting the following:

''(3) ANTIDISCRIMINATION REQUIREMENTS OF THE ELECTRONIC EMPLOYMENT VERIFICATION SYSTEM.—

''(A) IN GENERAL.—It is an unfair immigration-related employment practice for a person or other entity, in the course of the electronic verification process described in section 274A(d)—

''(i) to terminate or undertake any adverse employment action due to a tentative nonconfirmation;

''(ii) to use the verification system for screening of an applicant prior to an offer of employment;

''(iii) except as described in section 274A(d)(3)(B), to use the verification system for a current employee after the first day of employment, unless a waiver is provided by the Secretary of Homeland Security for good cause, or for the reverification of an employee after the employee has satisfied the process described in section 274A(d); or

''(iv) to require an individual to make an inquiry under the self-verification procedures established in section 274A(d)(8)(E)(iii).

''(B) PREEMPLOYMENT SCREENING AND BACKGROUND CHECK.—Nothing in subparagraph (A) shall be construed to preclude a preemployment screening or background check that is required or permitted under any other provision of law.''.

(b) INCREASE IN CIVIL MONEY PENALTIES.—Section 274B(g)(2) (8 U.S.C. 1324b(g)(2)) is amended in subparagraph (B)(iv)—

(1) in subclause (I), by striking ''$250 and not more than $2,000'' and inserting ''$1,000 and not more than $4,000'';

(2) in subclause (II), by striking ''$2,000 and not more than $5,000'' and inserting ''$4,000 and not more than $10,000'';

(3) in subclause (III), by striking ''$3,000 and not more than $10,000'' and inserting ''$6,000 and not more than $20,000''; and

(4) in subclause (IV), by striking ''$100 and not more than $1,000'' and inserting ''$500 and not more than $5,000''.

(c) INCREASED FUNDING OF INFORMATION CAMPAIGN.—Section 274B(l)(3) (8 U.S.C. 1324b(l)(3)) is amended by inserting ''and an additional $40,000,000 for each of fiscal years 2008 through 2010'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to violations occurring on or after such date.

SA 1442. Mr. MENENDEZ (for himself, Mr. DURBIN, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 287, strike line 12 and all that follows through line 35 on page 296, and insert the following:

(6) FEES AND PENALTIES.—

(A) PROCESSING FEES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,500 for a Z–1 nonimmigrant.

(ii) An alien applying for extension of the alien's Z–1 nonimmigrant status shall be required to pay a processing fee in an amount sufficient to cover administrative and other expenses associated with processing the extension application, but no more than $1,000 for a Z–1 nonimmigrant.

(B) PENALTIES.—

(i) An alien making an initial application for Z–1 nonimmigrant status shall be required to pay, in addition to the processing fee in subparagraph (A), a penalty of $1,000.

(ii) An alien who is a Z–2 or Z–3 nonimmigrant and who has not previously been a Z–1 nonimmigrant, and who changes status to that of a Z–1 nonimmigrant, shall in addition to processing fees be required to pay the initial application penalties applicable to Z–1 nonimmigrants.

(C) STATE IMPACT ASSISTANCE FEE.—In addition to any other amounts required to be paid under this subsection, a Z–1 nonimmigrant making an initial application for Z–1 nonimmigrant status shall be required to pay a State impact assistance fee equal to $500.

(D) DEPOSIT AND SPENDING OF FEES.—The processing fees under subparagraph (A) shall be deposited and remain available until expended as provided by sections 286(m) and (n).

(E) DEPOSIT, ALLOCATION, AND SPENDING OF PENALTIES.—

(i) DEPOSIT OF PENALTIES.—The penalty under subparagraph (B) shall be deposited and remain available as provided by section 286(w).

(ii) DEPOSIT OF STATE IMPACT ASSISTANCE FUNDS.—The funds under subparagraph (C) shall be deposited and remain available as provided by section 286(x).

(7) INTERVIEW.—An applicant for Z nonimmigrant status must appear to be interviewed.

(8) MILITARY SELECTIVE SERVICE.—The alien shall establish that if the alien is within the age period required under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) that such alien has registered under that Act.

(f) APPLICATION PROCEDURES.—

(1) IN GENERAL.—The Secretary of Homeland Security shall prescribe by notice in the Federal Register, in accordance with the procedures described in section 610 of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 and the procedures for an alien in the United States to apply for Z nonimmigrant status and the evidence required to demonstrate eligibility for such status.

(2) INITIAL RECEIPT OF APPLICATIONS.—The Secretary of Homeland Security, or such other entities as are authorized by the Secretary to accept applications under the procedures established under this subsection, shall accept applications from aliens for Z nonimmigrant status for a period of 1 year starting the first day of the first month beginning no more than 180 days after the date of enactment of this section. If, during the 1-year initial period for the receipt of applications for Z nonimmigrant status, the Secretary of Homeland Security determines that additional time is required to register applicants for Z nonimmigrant status, the Secretary may in his discretion extend the period for accepting applications by up to 12 months.

(3) BIOMETRIC DATA.—Each alien applying for Z nonimmigrant status must submit biometric data in accordance with procedures established by the Secretary of Homeland Security.

(g) CONTENT OF APPLICATION FILED BY ALIEN.—

(1) APPLICATION FORM.—The Secretary of Homeland Security shall create an application form that an alien shall be required to complete as a condition of obtaining Z nonimmigrant status.

(2) APPLICATION INFORMATION.—The application form shall request such information as the Secretary deems necessary and appropriate, including but not limited to, information concerning the alien's physical and mental health; complete criminal history, including all arrests and dispositions; gang membership, renunciation of gang affiliation; immigration history; employment history; and claims to United States citizenship.

(3) SECURITY AND LAW ENFORCEMENT BACKGROUND CHECKS.—

(A) SUBMISSION OF FINGERPRINTS.—The Secretary may not accord Z nonimmigrant status unless the alien submits fingerprints and other biometric data in accordance with procedures established by the Secretary.

(B) BACKGROUND CHECKS.—The Secretary shall utilize fingerprints and other biometric data provided by the alien to conduct appropriate background checks of such alien to search for criminal, national security, or other law enforcement actions that would render the alien ineligible for classification under this section.

(h) TREATMENT OF APPLICANTS.—

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks, to include name and fingerprint checks, that have not by the end of the next business day produced information rendering the applicant ineligible—

(A) be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may in the Secretary's discretion receive advance permission to re-enter the United States pursuant to existing regulations governing advance parole;

(C) may not be detained for immigration purposes, determined inadmissible or deportable, or removed pending final adjudication of the alien's application, unless the alien is determined to be ineligible for Z nonimmigrant status; and

(D) may not be considered an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3))) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien until the alien has passed all appropriate background checks or the end of the next business day, whichever is sooner.

(3) CONSTRUCTION.—Nothing in this section shall be construed to limit the Secretary's authority to conduct any appropriate background and security checks subsequent to issuance of evidence of probationary benefits under paragraph (4).

(4) PROBATIONARY AUTHORIZATION DOCUMENT.—The Secretary shall provide each alien described in paragraph (1) with a counterfeit-resistant document that reflects the benefits and status set forth in subsection (h)(1). The Secretary may by regulation establish procedures for the issuance of documentary evidence of probationary benefits and, except as provided herein, the conditions under which such documentary evidence expires, terminates, or is renewed. All documentary evidence of probationary benefits shall expire no later than 6 months after the date on which the Secretary begins to approve applications for Z nonimmigrant status.

(5) BEFORE APPLICATION PERIOD.—If an alien is apprehended between the date of enactment and the date on which the period for initial registration closes under subsection (f)(2), and the alien can establish prima facie eligibility for Z nonimmigrant status, the Secretary shall provide the alien with a reasonable opportunity to file an application under this section after such regulations are promulgated.

(6) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Act, if the Secretary determines that an alien who is in removal proceedings is prima facie eligible for Z nonimmigrant status, then the Secretary shall affirmatively communicate such determination to the immigration judge. The immigration judge shall then terminate or administratively close such proceedings and permit the alien a reasonable opportunity to apply for such classification.

(i) ADJUDICATION OF APPLICATION FILED BY ALIEN.—

(1) IN GENERAL.—The Secretary may approve the issuance of documentation of status, as described in subsection (j), to an applicant for a Z nonimmigrant visa who satisfies the requirements of this section.

(2) EVIDENCE OF CONTINUOUS PHYSICAL PRESENCE, EMPLOYMENT, OR EDUCATION.—

(A) PRESUMPTIVE DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status may presumptively establish satisfaction of each required period of presence, employment, or study by submitting records to the Secretary that demonstrate such presence, employment, or study, and that the Secretary verifies have been maintained by the Social Security Administration, the Internal Revenue Service, or any other Federal, State, or local government agency.

(B) VERIFICATION.—Each Federal agency, and each State or local government agency, as a condition of receipt of any funds under section 286(x), shall within 90 days of enactment ensure that procedures are in place under which such agency shall—

(i) consistent with all otherwise applicable laws, including but not limited to laws governing privacy, provide documentation to an alien upon request to satisfy the documentary requirements of this paragraph; or

(ii) notwithstanding any other provision of law, including section 6103 of title 26, United States Code, provide verification to the Secretary of documentation offered by an alien as evidence of—

(I) presence or employment required under this section; or

(II) a requirement for any other benefit under the immigration laws.

(C) OTHER DOCUMENTS.—A Z nonimmigrant or an applicant for Z nonimmigrant status who is unable to submit a document described in subparagraph (i) may establish satisfaction of each required period of presence, employment, or study by submitting to the Secretary at least 2 other types of reliable documents that provide evidence of employment, including—

(i) bank records;

(ii) business records;

(iii) employer records;

(iv) records of a labor union or day labor center;

(v) remittance records; and

(vi) sworn affidavits from nonrelatives who have direct knowledge of the alien's work, that contain—

(I) the name, address, and telephone number of the affiant;

(II) the nature and duration of the relationship between the affiant and the alien; and

(III) other verification or information.

(D) ADDITIONAL DOCUMENTS.—The Secretary may—

(i) designate additional documents to evidence the required period of presence, employment, or study; and

(ii) set such terms and conditions on the use of affidavits as is necessary to verify and confirm the identity of any affiant or otherwise prevent fraudulent submissions.

(3) BURDEN OF PROOF.—An alien who is applying for a Z nonimmigrant visa under this section shall prove, by a preponderance of the evidence, that the alien has satisfied the requirements of this section.

(4) DENIAL OF APPLICATION.—

(A) An alien who fails to satisfy the eligibility requirements for a Z nonimmigrant visa shall have his application denied and may not file additional applications.

(B) An alien who fails to submit requested initial evidence, including requested biometric data, and requested additional evidence by the date required by the Secretary shall, except where the alien demonstrates to the satisfaction of the Secretary that such failure was reasonably excusable or was not willful, have his application considered abandoned. Such application shall be denied and the alien may not file additional applications.

(j) EVIDENCE OF NONIMMIGRANT STATUS.—

(1) IN GENERAL.—Documentary evidence of nonimmigrant status shall be issued to each Z nonimmigrant.

(2) FEATURES OF DOCUMENTATION.—Documentary evidence of Z nonimmigrant status—

(A) shall be machine-readable, tamper-resistant, and shall contain a digitized photograph and other biometric identifiers that can be authenticated;

(B) shall be designed in consultation with United States Immigration and Customs Enforcement's Forensic Document Laboratory;

(C) shall, during the alien's authorized period of admission under subsection (k), serve as a valid travel and entry document for the purpose of applying for admission to the United States where the alien is applying for admission at a Port of Entry;

(D) may be accepted during the period of its validity by an employer as evidence of employment authorization and identity under section 274A(b)(1)(B); and

(E) shall be issued to the Z nonimmigrant by the Secretary of Homeland Security promptly after final adjudication of such alien's application for Z nonimmigrant status, except that an alien may not be granted permanent Z nonimmigrant status until all appropriate background checks on the alien are completed to the satisfaction of the Secretary of Homeland Security.

(k) PERIOD OF AUTHORIZED ADMISSION.—

(1) INITIAL PERIOD.—The initial period of authorized admission as a Z nonimmigrant shall be 4 years.

(2) EXTENSIONS.—

(A) IN GENERAL.—Z nonimmigrants may seek an indefinite number of 4-year extensions of the initial period of authorized admission.

(B) REQUIREMENTS.—In order to be eligible for an extension of the initial or any subsequent period of authorized admission under this paragraph, an alien must satisfy the following requirements:

(i) ELIGIBILITY.—The alien must demonstrate continuing eligibility for Z nonimmigrant status.

(ii) ENGLISH LANGUAGE AND CIVICS.—

(I) REQUIREMENT AT FIRST RENEWAL.—At or before the time of application for the first extension of Z nonimmigrant status, an alien who is 18 years of age or older must demonstrate an attempt to gain an understanding of the English language and knowledge of United States civics by taking the naturalization test described in sections 312(a)(1) and (2) by demonstrating enrollment in or placement on a waiting list for English classes.

(II) REQUIREMENT AT SECOND RENEWAL.—At or before the time of application for the second extension of Z nonimmigrant status, an alien who is 18 years of age or older must pass the naturalization test described in sections 312(a)(1) and (2). The alien may make up to 3 attempts to demonstrate such understanding and knowledge but must satisfy this requirement prior to the expiration of the second extension of Z nonimmigrant status.

(III) EXCEPTION.—The requirement of subclauses (I) and (II) shall not apply to any person who, on the date of the filing of the person's application for an extension of Z nonimmigrant status—

(aa) is unable because of physical or developmental disability or mental impairment to comply therewith;

(bb) is over 50 years of age and has been living in the United States for periods totaling at least 20 years; or

(cc) is over 55 years of age and has been living in the United States for periods totaling at least 15 years.

(iii) EMPLOYMENT.—With respect to an extension of Z–1 or Z–3 nonimmigrant status an alien must demonstrate satisfaction of the employment or study requirements provided in subsection (m) during the alien's most recent authorized period of stay as of the date of application; and

(iv) FEES.—The alien must pay a processing fee in an amount sufficient to recover the full cost of adjudicating the application, but no more than $1,000 for a Z–1 nonimmigrant.

SA 1443. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. ADMISSION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.

Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that—

(A) for a period of at least one year beginning after March 1, 2003, he or she served the United States Government inside Iraq as an employee, volunteer, contractor, or employee of a contractor of the United States Government; or

(B) he or she has a parent, spouse, son, daughter, grandparent, grandchild, or sibling currently residing in the United States who is a United States citizen, lawful permanent resident, asylee, or refugee; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

SA 1444. Mr. OBAMA (for himself and Mr. MENENDEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. TERMINATION.

(a) IN GENERAL.—The amendments described in subsection (b) shall be effective during the 5-year period ending on September 30 of the fifth fiscal year following the fiscal year in which this Act is enacted.

(b) PROVISIONS.—The amendments described in this subsection are the following:

(1) The amendments made by subsections (a) and (b) of section 501.

(2) The amendments made by subsections (b), (c), and (e) of section 502.

(3) The amendments made by subsections (a), (b), (c)(1), (d), and (g) of section 503.

(4) The amendments made by subsection (a) of section 504.

(c) WORLDWIDE LEVEL OF EMPLOYMENT-BASED IMMIGRANTS.—

(1) TEMPORARY SUPPLEMENTAL ALLOCATION.—Section 201(d) (8 U.S.C. 1151(d)) is amended by adding at the end the follows new paragraphs:

''(3) TEMPORARY SUPPLEMENTAL ALLOCATION.—Notwithstanding paragraphs (1) and (2), there shall be a temporary supplemental allocation of visas as follows:

''(A) For the first 5 fiscal years in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(B) In the sixth fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number calculated pursuant to section 503(f)(3) of Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007.

''(C) Starting in the seventh fiscal year in which aliens described in section 101(a)(15)(Z) are eligible for an immigrant visa, the number equal to the number of aliens described in section 101(a)(15)(Z) who became aliens admitted for permanent residence based on the merit-based evaluation system in the prior fiscal year until no further aliens described in section 101(a)(15)(Z) adjust status.

''(4) TERMINATION OF TEMPORARY SUPPLEMENTAL ALLOCATION.—The temporary supplemental allocation of visas described in paragraph (3) shall terminate when the number of visas calculated pursuant to paragraph (3)(C) is zero.

''(5) LIMITATION.—The temporary supplemental visas described in paragraph (3) shall not be awarded to any individual other than an individual described in section 101(a)(15)(Z).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted.

(d) WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—

(1) INCREASE IN LEVEL.—Section 201(c)(1)(B)(ii) (8 U.S.C. 1151(c)(1)(B)(ii)) is amended by striking ''226,000'' and inserting ''567,000''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective during the period beginning on October 1 of the sixth fiscal year following the fiscal year in which this Act is enacted and ending on the date that an alien may be adjust status to an alien lawfully admitted for permanent residence described in section 602(a)(5).

SA 1445. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 225, strike ''such limitation'' and insert ''the limitations under clauses (i) and (ii) of paragraph (1)(D)''.

SA 1446. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION PROCESSES.—

(I) IN GENERAL.—Except as provided in subclause (III), a Z–1 nonimmigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence must be filed in person with a United States consulate abroad.

(II) PLACE OF APPLICATION.—Unless otherwise directed by the Secretary of State, a Z–1 nonimmigrant applying for adjustment of status under this paragraph shall make an application at a consular office in the alien's country of origin. A consular office in a country that is not a Z–1 nonimmigrant's country of origin may as a matter of discretion, or shall at the direction of the Secretary of State, accept an application for adjustment of status from such an alien.

(III) APPLICATIONS SUBMITTED FROM WITHIN THE UNITED STATES.—

(aa) IN GENERAL.—The Secretary of Homeland Security and the Secretary of State shall permit a Z–1 nonimmigrant to submit an application for an adjustment of status to that of an alien lawfully admitted for permanent residence from within the United States if the country of origin of the Z–1 nonimmigrant authorizes the Z–1 nonimmigrant to submit the application.

(bb) REQUIREMENT TO REGISTER.—A Z–1 nonimmigrant applying for adjustment of status under this subclause shall submit to a consulate of the nonimmigrant's country of nationality in the United States a registration of the nonimmigrant's presence in the United States.

SA 1447. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Strike subsection (c) of section 757 of the bill (relating to impact on commercial motor vehicles).

SA 1448. Mr. COLEMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. LANGUAGE TRAINING PROGRAMS.

(a) ACCREDITATION REQUIREMENT.—Section 101(a)(15)(F)(i) (8 U.S.C. 1101(a)(15)(F)(i) is amended by striking ''a language'' and inserting ''an accredited language''.

(b) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall issue regulations that—

(1) except as provided under paragraphs (3) and (4), require that an accredited language training program described in section 101(a)(15)(F)(i) of the Immigration and Nationality Act, as amended by subsection (a), be accredited by the Commission on English Language Program Accreditation, the Accrediting Council for Continuing Education and Training, or under the governance of an institution accredited by 1 of the 6 regional accrediting agencies;

(2) require that if such an accredited language training program provides intensive language training, the head of such program provide the Secretary of Education with documentation regarding the specific subject matter for which the program is accredited;

(3) permit an alien admitted as a nonimmigrant under such section 101(a)(15)(F)(i) to participate in a language training program, during the 3-year period beginning on the date of the enactment of this Act, if such program is not accredited under paragraph (1); and

(4) permit a language training program established after the date of the enactment of this Act, which is not accredited under paragraph (1), to qualify as an accredited language training program under such section 101(a)(15)(F)(i) during the 3-year period beginning on the date on which such program is established.

SA 1449. Mr. BROWNBACK submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 214(l) of the Immigration and Nationality Act (8 U.S.C. 1184(l)), as amended by section 425(b)(1), in paragraph (4)(C)(iii), strike subclause (I) and insert the following:

''(I) with respect to a State, for the first fiscal year of the pilot program conducted under this paragraph, the greater of—

''(aa) 15; or

''(bb) the number of the waivers received by the State in the previous fiscal year;''.

SA 1450. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PLAN FOR THE CONTROL AND MANAGEMENT OF ARUNDO DONAX.

(a) DEFINITIONS.—In this section:

(1) ARUNDO DONAX.—The term ''Arundo donax'' means a tall perennial reed commonly known as ''Carrizo cane'', ''Spanish cane'', ''wild cane'', and ''giant cane''.

(2) PLAN.—The term ''plan'' means the plan for the control and management of Arundo donax developed under subsection (b).

(3) RIVER.—The term ''River'' means the Rio Grande River.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall develop a plan for the control and management of Arundo donax along the portion of the River that serves as the international border between the United States and Mexico.

(2) COMPONENTS.—In developing the plan, the Secretary shall address—

(A) information derived by the Secretary of Agriculture and the Secretary of the Interior from ongoing efforts to identify the most effective biological, mechanical, and chemical means of controlling and managing Arundo donax;

(B) past and current efforts to understand—

(i) the ecological damages caused by Arundo donax; and

(ii) the dangers Arundo donax poses to Federal and local law enforcement;

(C) any international agreements and treaties that need to be completed to allow for the control and management of Arundo donax on both sides of the River;

(D) the long-term efforts that the Secretary considers to be necessary to control and manage Arundo donax, including the cost estimates for the implementation of the efforts; and

(E) whether a waiver of applicable Federal environmental laws (including regulations) is necessary.

(3) CONSULTATION.—The Secretary shall develop the plan in consultation with the Secretary of Agriculture, the Secretary of the Interior, the Secretary of State, and any other Federal and State agencies that have appropriate expertise regarding the control and management of Arundo donax.

(c) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit the plan to—

(1) the Committees on the Judiciary of the Senate and the House of Representatives; and

(2) the Committees on Appropriations of the Senate and the House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this section.

SA 1451. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 36, after line 17, add the following:

SEC. 139. REPORT REGARDING USE OF LEVEES.

Not later than 90 days after the date of enactment of this Act, the Commissioner of U.S. Customs and Border Protection shall submit to Congress a report regarding the use of flood control levees under the control of the International Boundary and Water Commission by U.S. Customs and Border Protection, which shall—

(1) discuss the purpose and importance of any such use of such levees;

(2) describe the level of degradation of such levees as a result of such use; and

(3) identify any formal agreements that may be needed between the Department of Homeland Security and the International Boundary and Water Commission or the Department of State to ensure needed access to such levees.

SA 1452. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ____01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ____02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are

provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration

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SA 1453. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ____03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ____04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ____05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ____06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1454. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be stricken, insert the following:

Subtitle ____—Asylum and Detention Safeguards

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''Secure and Safe Detention and Asylum Act''.

SEC. ___02. DEFINITIONS.

In this subtitle:

(1) ASYLUM SEEKER.—The term ''asylum seeker'' means an applicant for asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) or for withholding of removal under section 241(b)(3) of that Act (8 U.S.C. 1231(b)(3)) or an alien who indicates an intention to apply for relief under either such section and does not include a person with respect to whom a final adjudication denying an application made under either such section has been entered.

(2) CREDIBLE FEAR OF PERSECUTION.—The term ''credible fear of persecution'' has the meaning given that term in section 235(b)(1)(B)(v) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(B)(v)).

(3) DETAINEE.—The term ''detainee'' means an alien in the Department's custody held in a detention facility.

(4) DETENTION FACILITY.—The term ''detention facility'' means any Federal facility in which an asylum seeker, an alien detained pending the outcome of a removal proceeding, or an alien detained pending the execution of a final order of removal, is detained for more than 72 hours, or any other facility in which such detention services are provided to the Federal Government by contract, and does not include detention at any port of entry in the United States.

(5) REASONABLE FEAR OF PERSECUTION OR TORTURE.—The term ''reasonable fear of persecution or torture'' has the meaning described in section 208.31 of title 8, Code of Federal Regulations.

(6) STANDARD.—The term ''standard'' means any policy, procedure, or other requirement.

(7) VULNERABLE POPULATIONS.—The term ''vulnerable populations'' means classes of aliens subject to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) who have special needs requiring special consideration and treatment by virtue of their vulnerable characteristics, including experiences of, or risk of, abuse, mistreatment, or other serious harms threatening their health or safety. Vulnerable populations include the following:

(A) Asylum seekers.

(B) Refugees admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) and individuals seeking such admission.

(C) Aliens whose deportation is being withheld under section 243(h) of the Immigration and Nationality Act (as in effect immediately before the effective date of section 307 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–612)) or section 241(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)).

(D) Aliens granted or seeking protection under article 3 of the Convention Against Torture and other Cruel, Inhumane, or Degrading Treatment or Punishment, done at New York, December 10, 1994.

(E) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Trafficking Victims Protection Act of 2000 (division A of Public Law 106–386; 114 Stat. 1464), including applicants for nonimmigrant status under subparagraph (T) or (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(F) Applicants for relief and benefits under the Immigration and Nationality Act pursuant to the amendments made by the Violence Against Women Act of 2000 (division B of Public Law 106–386; 114 Stat. 1491).

(G) Unaccompanied alien children (as defined in 462(g) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)).

SEC. ___03. RECORDING SECONDARY INSPECTION INTERVIEWS.

(a) IN GENERAL.—The Secretary shall establish quality assurance procedures to ensure the accuracy and verifiability of signed or sworn statements taken by employees of the Department exercising expedited removal authority under section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225(b)).

(b) FACTORS RELATING TO SWORN STATEMENTS.—Any sworn or signed written statement taken of an alien as part of the record of a proceeding under section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) shall be accompanied by a recording of the interview which served as the basis for that sworn statement.

(c) RECORDINGS.—

(1) IN GENERAL.—The recording of the interview shall also include the written statement, in its entirety, being read back to the alien in a language that the alien claims to understand, and the alien affirming the accuracy of the statement or making any corrections thereto.

(2) FORMAT.—The recording shall be made in video, audio, or other equally reliable format.

(d) EXEMPTION AUTHORITY.—

(1) Subsections (b) and (c) shall not apply to interviews that occur at facilities exempted by the Secretary pursuant to this subsection.

(2) The Secretary or the Secretary's designee may exempt any facility based on a determination by the Secretary or the Secretary's designee that compliance with subsections (b) and (c) at that facility would impair operations or impose undue burdens or costs.

(3) The Secretary or the Secretary's designee shall report annually to Congress on the facilities that have been exempted pursuant to this subsection.

(4) The exercise of the exemption authority granted by this subsection shall not give rise to a private cause of action.

(e) INTERPRETERS.—The Secretary shall ensure that a professional fluent interpreter is used when the interviewing officer does not speak a language understood by the alien and there is no other Federal, State, or local government employee available who is able to interpret effectively, accurately, and impartially.

SEC. ___04. PROCEDURES GOVERNING DETENTION DECISIONS.

Section 236 (8 U.S.C. 1226) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) in the first sentence by striking ''Attorney General'' and inserting ''Secretary of Homeland Security'';

(ii) by striking ''(c)'' and inserting ''(d)''; and

(iii) in the second sentence by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''Attorney General'' and inserting ''Secretary''; and

(II) by striking ''or'' at the end;

(ii) in subparagraph (B), by striking ''but'' at the end; and

(iii) by inserting after subparagraph (B) the following:

''(C) the alien's own recognizance; or

''(D) a secure alternatives program as provided for in this section; but'';

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (h), respectively;

(3) by inserting after subsection (a) the following new subsections:

''(b) CUSTODY DECISIONS.—

''(1) IN GENERAL.—In the case of a decision under subsection (a) or (d), the following shall apply:

''(A) The decision shall be made in writing and shall be served upon the alien. A decision to continue detention without bond or parole shall specify in writing the reasons for that decision.

''(B) The decision shall be served upon the alien within 72 hours of the alien's detention or, in the case of an alien subject to section 235 or 241(a)(5) who must establish a credible fear of persecution or a reasonable fear of persecution or torture in order to proceed in immigration court, within 72 hours of a positive credible fear of persecution or reasonable fear of persecution or torture determination.

''(2) CRITERIA TO BE CONSIDERED.—The criteria to be considered by the Secretary and the Attorney General in making a custody decision shall include—

''(A) whether the alien poses a risk to public safety or national security;

''(B) whether the alien is likely to appear for immigration proceedings; and

''(C) any other relevant factors.

''(3) CUSTODY REDETERMINATION.—An alien subject to this section may at any time after being served with the Secretary's decision under subsections (a) or (d) request a redetermination of that decision by an immigration judge. All decisions by the Secretary to detain without bond or parole shall be subject to redetermination by an immigration judge within 2 weeks from the time the alien was served with the decision, unless waived by the alien. The alien may request a further redetermination upon a showing of a material change in circumstances since the last redetermination hearing.

''(c) EXCEPTION FOR MANDATORY DETENTION.—Subsection (b) shall not apply to any alien who is subject to mandatory detention under section 235(b)(1)(B)(iii)(IV), 236(c), or 236A or who has a final order of removal and has no proceedings pending before the Executive Office for Immigration Review.'';

(4) in subsection (d), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary''; and

(B) by striking ''or parole'' and inserting '', parole, or decision to release;'';

(5) in subsection (e), as redesignated—

(A) by striking ''Attorney General'' and inserting ''Secretary'' each place it appears; and

(B) in paragraph (2), by inserting ''or for humanitarian reasons,'' after ''such an investigation,'';

(6) in subsection (f), as redesignated—

(A) in the matter preceding paragraph (1), by striking ''Attorney General'' and inserting ''Secretary'';

(B) in paragraph (1), in subparagraphs (A) and (B), by striking ''Service'' and inserting ''Department of Homeland Security''; and

(C) in paragraph (3), by striking ''Service'' and inserting ''Secretary of Homeland Security'';

(7) by inserting after subsection (f), as redesignated, the following new subparagraph:

''(g) ADMINISTRATIVE REVIEW.—If an immigration judge's custody decision has been stayed by the action of an officer or employee of the Department of Homeland Security, the stay shall expire in 30 days, unless the Board of Immigration Appeals before that time, and upon motion, enters an order continuing the stay.''; and

(8) in subsection (h), as redesignated—

(A) by striking ''Attorney General's'' and inserting ''Secretary of Homeland Security's''; and

(B) by striking ''Attorney General'' and inserting ''Secretary''.

SEC. ___05. LEGAL ORIENTATION PROGRAM.

(a) IN GENERAL.—The Attorney General, in consultation with the Secretary, shall ensure that all detained aliens in immigration and asylum proceedings receive legal orientation through a program administered and implemented by the Executive Office for Immigration Review of the Department of Justice.

(b) CONTENT OF PROGRAM.—The legal orientation program developed pursuant to this section shall be based on the Legal Orientation Program carried out by the Executive Office for Immigration Review on the date of the enactment of this Act.

(c) EXPANSION OF LEGAL ASSISTANCE.—The Secretary shall ensure the expansion through the United States Citizenship and Immigration Service of public-private partnerships that facilitate pro bono counseling and legal assistance for asylum seekers awaiting a credible fear of persecution interview, as a continuation of existing programs, such as the pilot program developed in Arlington, Virginia by the United States Citizenship and Immigration Service.

SEC. ___06. CONDITIONS OF DETENTION.

(a) IN GENERAL.—The Secretary shall ensure that standards governing conditions and procedures at detention facilities are fully implemented and enforced, and that all detention facilities comply with the standards.

(b) PROCEDURES AND STANDARDS.—The Secretary shall promulgate new standards, or modify existing detention standards, to improve conditions in detention facilities. The improvements shall address at a minimum the following policies and procedures:

(1) FAIR AND HUMANE TREATMENT.—Procedures to ensure that detainees are not subject to degrading or inhumane treatment such as physical abuse, sexual abuse or harassment, or arbitrary punishment.

(2) LIMITATIONS ON SOLITARY CONFINEMENT.—Procedures limiting the use of solitary confinement, shackling, and strip searches of detainees to situations where the use of such techniques is necessitated by security interests or other extraordinary circumstances.

(3) INVESTIGATION OF GRIEVANCES.—Procedures for the prompt and effective investigation of grievances raised by detainees.

(4) ACCESS TO TELEPHONES.—Procedures permitting detainees sufficient access to telephones, and the ability to contact, free of charge, legal representatives, the immigration courts, the Board of Immigration Appeals, and the Federal courts through confidential toll-free numbers.

(5) LOCATION OF FACILITIES.—Location of detention facilities, to the extent practicable, near sources of free or low-cost legal representation with expertise in asylum or immigration law.

(6) PROCEDURES GOVERNING TRANSFERS OF DETAINEES.—Procedures governing the transfer of a detainee that take into account—

(A) the detainee's access to legal representatives; and

(B) the proximity of the facility to the venue of the asylum or removal proceeding.

(7) QUALITY OF MEDICAL CARE.—

(A) IN GENERAL.—Prompt and adequate medical care provided at no cost to the detainee, including dental care, eye care, mental health care, and where appropriate, individual and group counseling, medical dietary needs, and other medically necessary specialized care. Medical facilities in all detention facilities used by the Department maintain current accreditation by the National Commission on Correctional Health Care (NCCHC). Requirements that each medical facility that is not accredited by the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) will seek to obtain such accreditation. Maintenance of complete medical records for every detainee which shall be made available upon request to a detainee, his legal representative, or other authorized individuals.

(8) TRANSLATION CAPABILITIES.—The employment of detention facility staff that, to the extent practicable, are qualified in the languages represented in the population of detainees at a detention facility, and the provision of alternative translation services when necessary.

(9) RECREATIONAL PROGRAMS AND ACTIVITIES.—Daily access to indoor and outdoor recreational programs and activities.

(c) SPECIAL STANDARDS FOR NONCRIMINAL DETAINEES.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the distinctions between persons with criminal convictions or a history of violent behavior and all other detainees; and

(2) ensure that procedures and conditions of detention are appropriate for a noncriminal, nonviolent population.

(d) SPECIAL STANDARDS FOR VULNERABLE POPULATIONS.—The Secretary shall promulgate new standards, or modifications to existing standards, that—

(1) recognize the unique needs of asylum seekers, victims of torture and trafficking, families with children, detainees who do not speak English, detainees with special religious, cultural or spiritual considerations, and other vulnerable populations; and

(2) ensure that procedures and conditions of detention are appropriate for the populations listed in this subsection.

(e) TRAINING OF PERSONNEL.—

(1) IN GENERAL.—The Secretary shall ensure that personnel in detention facilities are given specialized training to better understand and work with the population of detainees held at the facilities where such personnel work. The training should address the unique needs of—

(A) asylum seekers;

(B) victims of torture or other trauma; and

(C) other vulnerable populations.

(2) SPECIALIZED TRAINING.—The training required by this subsection shall be designed to better enable personnel to work with detainees from different countries, and detainees who cannot speak English. The training shall emphasize that many detainees have no criminal records and are being held for civil violations.

SEC. ___07. OFFICE OF DETENTION OVERSIGHT.

(a) ESTABLISHMENT OF THE OFFICE.—

(1) IN GENERAL.—There shall be established within the Department an Office of Detention Oversight (in this section referred to as the ''Office'').

(2) HEAD OF THE OFFICE.—There shall be at the head of the Office an Administrator who shall be appointed by, and shall report to, the Secretary.

(3) SCHEDULE.—The Office shall be established and the Administrator of the Office appointed not later than 6 months after the date of enactment of this Act.

(b) RESPONSIBILITIES OF THE OFFICE.—

(1) INSPECTIONS OF DETENTION CENTERS.—The Administrator of the Office shall—

(A) undertake frequent and unannounced inspections of all detention facilities;

(B) develop a procedure for any detainee or the detainee's representative to file a written complaint directly with the Office; and

(C) report to the Secretary and to the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement all findings of a detention facility's noncompliance with detention standards.

(2) INVESTIGATIONS.—The Administrator of the Office shall—

(A) initiate investigations, as appropriate, into allegations of systemic problems at detention facilities or incidents that constitute serious violations of detention standards;

(B) report to the Secretary and the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement the results of all investigations; and

(C) refer matters, where appropriate, for further action to—

(i) the Department of Justice;

(ii) the Office of the Inspector General of the Department;

(iii) the Office of Civil Rights and Civil Liberties of the Department; or

(iv) any other relevant office or agency.

(3) REPORT TO CONGRESS.—

(A) IN GENERAL.—The Administrator of the Office shall submit to the Secretary, the Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives an annual report on the Administrator's findings on detention conditions and the results of the investigations carried out by the Administrator.

(B) CONTENTS OF REPORT.—Each report required by subparagraph (A) shall include—

(i) a description of the actions to remedy findings of noncompliance or other problems that are taken by the Secretary or the Assistant Secretary of Homeland Security for United States Immigration and Customs Enforcement, and each detention facility found to be in noncompliance; and

(ii) information regarding whether such actions were successful and resulted in compliance with detention standards.

(4) REVIEW OF COMPLAINTS BY DETAINEES.—The Administrator of the Office shall establish procedures to receive and review complaints of violations of the detention standards promulgated by the Secretary. The procedures shall protect the anonymity of the claimant, including detainees, employees, or others, from retaliation.

(c) COOPERATION WITH OTHER OFFICES AND AGENCIES.—Whenever appropriate, the Administrator of the Office shall cooperate and coordinate its activities with—

(1) the Office of the Inspector General of the Department;

(2) the Office of Civil Rights and Civil Liberties of the Department;

(3) the Privacy Officer of the Department;

(4) the Civil Rights Division of the Department of Justice; or

(5) any other relevant office or agency.

SEC. ___08. SECURE ALTERNATIVES PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a secure alternatives program under which an alien who has been detained may be released under enhanced supervision to prevent the alien from absconding and to ensure that the alien makes appearances related to such detention.

(b) PROGRAM REQUIREMENTS.—

(1) NATIONWIDE IMPLEMENTATION.—The Secretary shall facilitate the development of the secure alternatives program on a nationwide basis, as a continuation of existing pilot programs such as the Intensive Supervision Appearance Program developed by the Department.

(2) UTILIZATION OF ALTERNATIVES.—The secure alternatives program shall utilize a continuum of alternatives based on the alien's need for supervision, including placement of the alien with an individual or organizational sponsor, or in a supervised group home.

(3) ALIENS ELIGIBLE FOR SECURE ALTERNATIVES PROGRAM.—

(A) IN GENERAL.—Aliens who would otherwise be subject to detention based on a consideration of the release criteria in section 236(b)(2), or who are released pursuant to section 236(e)(2), shall be considered for the secure alternatives program.

(B) DESIGN OF PROGRAMS.—Secure alternatives programs shall be designed to ensure sufficient supervision of the population described in subparagraph (A).

(4) CONTRACTS.—The Secretary shall enter into contracts with qualified nongovernmental entities to implement the secure alternatives program.

(5) OTHER CONSIDERATIONS.—In designing such program, the Secretary shall—

(A) consult with relevant experts; and

(B) consider programs that have proven successful in the past, including the Appearance Assistance Program developed by the Vera Institute and the Intensive Supervision Appearance Program.

SEC. ___09. LESS RESTRICTIVE DETENTION FACILITIES.

(a) CONSTRUCTION.—The Secretary shall facilitate the construction or use of secure but less restrictive detention facilities.

(b) CRITERIA.—In developing detention facilities pursuant to this section, the Secretary shall—

(1) consider the design, operation, and conditions of existing secure but less restrictive detention facilities, such as the Department's detention facilities in Broward County, Florida, and Berks County, Pennsylvania;

(2) to the extent practicable, construct or use detention facilities where—

(A) movement within and between indoor and outdoor areas of the facility is subject to minimal restrictions;

(B) detainees have ready access to social, psychological, and medical services;

(C) detainees with special needs, including those who have experienced trauma or torture, have ready access to services and treatment addressing their needs;

(D) detainees have ready access to programs and recreation;

(E) detainees are permitted contact visits with legal representatives and family members; and

(F) special facilities are provided to families with children.

(c) FACILITIES FOR FAMILIES WITH CHILDREN.—For situations where release or secure alternatives programs are not an option, the Secretary shall, to the extent practicable, ensure that special detention facilities are specifically designed to house parents with their minor children, including ensuring that—

(1) procedures and conditions of detention are appropriate for families with minor children; and

(2) living and sleeping quarters for children under 14 years of age are not physically separated from at least 1 of the child's parents.

(d) PLACEMENT IN NONPUNITIVE FACILITIES.—Among the factors to be considered with respect to placing a detainee in a less restrictive facility is whether the detainee is—

(1) an asylum seeker;

(2) part of a family with minor children;

(3) a member of a vulnerable population; or

(4) a nonviolent, noncriminal detainee.

(e) PROCEDURES AND STANDARDS.—Where necessary, the Secretary shall promulgate new standards, or modify existing detention standards, to promote the development of less restrictive detention facilities.

SEC. ___10. AUTHORIZATION OF APPROPRIATIONS; EFFECTIVE DATE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) EFFECTIVE DATE.—This subtitle and the amendments made by this subtitle shall take effect on the date that is 6 months after the date of enactment of this Act.

SA 1455. Mr. LAUTENBERG (for himself, Mr. BROWNBACK, Mr. MENENDEZ, and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 288, between lines 32 and 33, insert the following new subsection:

(f) ADJUSTMENT OF STATUS FOR CERTAIN VICTIMS OF TERRORISM.—

(1) SPECIFIED TERRORIST ACTIVITY.—In this subsection, the term ''specified terrorist activity'' means any terrorist activity conducted against the Government or the people of the United States on September 11, 2001.

(2) ADJUSTMENT OF STATUS.—

(A) IN GENERAL.—The Secretary shall adjust the status of any alien described in paragraph (3) to that of an alien lawfully admitted for permanent residence, if the alien—

(i) applies for such adjustment not later than 2 years after the date on which the Secretary establishes procedures to implement this subsection; and

(ii) is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(B) RULES IN APPLYING CERTAIN PROVISIONS.—

(i) IN GENERAL.—In the case of an alien described in paragraph (3) who is applying for adjustment of status under this subsection—

(I) the provisions of section 241(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(a)(5)) shall not apply; and

(II) the Secretary may grant the alien a waiver on the grounds of inadmissibility under subparagraphs (A) and (C) of section 212(a)(9) of such Act (8 U.S.C. 1182(a)(9)).

(ii) STANDARDS.—In granting waivers under clause (i)(II), the Secretary shall use standards used in granting consent under subparagraphs (A)(iii) and (C)(ii) of such section 212(a)(9).

(C) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—

(i) APPLICATION PERMITTED.—An alien who is present in the United States and has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) may apply for adjustment of status under subparagraph (A).

(ii) MOTION NOT REQUIRED.—An alien described in clause (i) may not be required, as a condition of submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order.

(iii) EFFECT OF DECISION.—If the Secretary grants a request under clause (i), the Secretary shall cancel the order. If the Secretary renders a final administrative decision to deny the request, the order shall be effective and enforceable to the same extent as if the application had not been made.

(3) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—Subject to paragraph (7), the benefits under paragraph (2) shall apply to any alien who—

(A) was lawfully present in the United States as a nonimmigrant alien under the immigration laws of the United States on September 10, 2001;

(B) was, on such date, the spouse, child, dependent son, or dependent daughter of an alien who—

(i) was lawfully present in the United States as a nonimmigrant under the immigration laws of the United States on such date; and

(ii) died as a direct result of a specified terrorist activity; and

(C) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(4) STAY OF REMOVAL; WORK AUTHORIZATION.—

(A) IN GENERAL.—The Secretary shall establish a process by which an alien subject to a final order of removal may seek a stay of such order based on the filing of an application under paragraph (2).

(B) DURING CERTAIN PROCEEDINGS.—The Secretary may not order any alien to be removed from the United States, if the alien is in removal proceedings under any provision of such Act and has applied for adjustment of status under paragraph (2), unless the Secretary has rendered a final administrative determination to deny the application.

(C) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for adjustment of status under paragraph (2) to engage in employment in the United States during the pendency of such application.

(5) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Secretary shall provide to applicants for adjustment of status under paragraph (2) the same right to, and procedures for, administrative review as are provided to—

(A) applicants for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255); or

(B) aliens subject to removal proceedings under section 240 of such Act (8 U.S.C. 1229a).

(6) CANCELLATION OF REMOVAL FOR CERTAIN IMMIGRANT VICTIMS OF TERRORISM.—

(A) IN GENERAL.—Subject to the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) (other than subsections (b)(1), (d)(1), and (e) of section 240A of such Act (8 U.S.C. 1229b)) and paragraph (7) of this subsection, the Secretary shall, under such section 240A, cancel the removal of, and adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subparagraph (B), if the alien applies for such relief.

(B) ALIENS ELIGIBLE FOR CANCELLATION OF REMOVAL.—The benefits provided by subparagraph (A) shall apply to any alien who—

(i) was, on September 10, 2001, the spouse, child, dependent son, or dependent daughter of an alien who died as a direct result of a specified terrorist activity; and

(ii) was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note).

(C) STAY OF REMOVAL; WORK AUTHORIZATION.—

(i) IN GENERAL.—The Secretary shall establish a process to provide for an alien subject to a final order of removal to seek a stay of such order based on the filing of an application under subparagraph (A).

(ii) WORK AUTHORIZATION.—The Secretary shall authorize an alien who was deemed to be a beneficiary of, and by, the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note), and who has applied for cancellation of removal under subparagraph (A) to engage in employment in the United States during the pendency of such application.

(D) MOTIONS TO REOPEN REMOVAL PROCEEDINGS.—

(i) IN GENERAL.—On motions to reopen removal proceedings (except limitations premised on an alien's conviction of an aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43))), any alien who has become eligible for cancellation of removal as a result of the enactment of this section may file 1 motion to reopen removal proceedings to apply for such relief.

(ii) FILING PERIOD.—The Secretary shall designate a specific time period in which all such motions to reopen are required to be filed. The period shall begin not later than 60 days after the date of the enactment of this Act and shall extend for a period not to exceed 240 days.

(7) EXCEPTIONS.—Notwithstanding any other provision of this subsection, an alien may not be provided relief under this subsection if the alien is—

(A) inadmissible under paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), or deportable under paragraph (2) or (4) of section 237(a) of such Act (8 U.S.C. 1227(a)), including any individual culpable for a specified terrorist activity; or

(B) a family member of an alien described in subparagraph (A).

(8) EVIDENCE OF DEATH.—For purposes of this subsection, the Secretary shall use the standards established under section 426 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT Act) Act of 2001 (115 Stat. 362) in determining whether death occurred as a direct result of a specified terrorist activity.

(9) AUTHORITY OF THE ATTORNEY GENERAL.—The requirements and authorities under this subsection pertaining to the Secretary, other than the authority to grant work authorization, shall apply to the Attorney General with respect to cases otherwise within the jurisdiction of the Executive Office for Immigration Review.

(10) PROCESS FOR IMPLEMENTATION.—The Secretary and the Attorney General—

(A) shall carry out this subsection as expeditiously as possible;

(B) are not required to promulgate regulations before implementing this subsection; and

(C) shall promulgate procedures to implement this subsection not later than 180 days after the date of the enactment of this Act.

SA 1456. Mrs. FEINSTEIN (for herself and Mr. CORNYN) submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. HUMAN TRAFFICKING AWARENESS.

(a) FINDINGS.—Congress finds that:

(1) The United States has a tradition of advancing fundamental human rights.

(2) Because the people of the United States remain committed to protecting individual freedom, there is a national imperative to eliminate human trafficking, including early or forced marriage, commercial sexual exploitation, forced labor, labor obtained through debt bondage, involuntary servitude, slavery, and slavery by descent.

(3) To combat human trafficking in the United States and globally, the people of the United States and the Federal Government, including local and State governments, must be aware of the realities of human trafficking and must be dedicated to stopping this contemporary manifestation of slavery.

(4) Beyond all differences of race, creed, or political persuasion, the people of the United States face national threats together and refuse to let human trafficking exist in the United States and around the world.

(5) The United States should actively oppose all individuals, groups, organizations, and nations who support, advance, or commit acts of human trafficking.

(6) The United States must also work to end human trafficking around the world through education.

(7) Victims of human trafficking need support in order to escape and to recover from the physical, mental, emotional, and spiritual trauma associated with their victimization.

(8) Human traffickers use many physical and psychological techniques to control their victims, including the use of violence or threats of violence against the victim or the victim's family, isolation from the public, isolation from the victim's family and religious or ethnic communities, language and cultural barriers, shame, control of the victim's possessions, confiscation of passports and other identification documents, and threats of arrest, deportation, or imprisonment if the victim attempts to reach out for assistance or to leave.

(9) Although laws to prosecute perpetrators of human trafficking and to assist and protect victims of human trafficking have been enacted in the United States, awareness of the issues surrounding human trafficking by those people most likely to come into contact with victims is essential for effective enforcement because the techniques that traffickers use to keep their victims enslaved severely limit self-reporting.

(10) The effort by individuals, businesses, organizations, and governing bodies to promote the observance of the National Day of Human Trafficking Awareness on January 11 of each year represents one of the many examples of the ongoing commitment in the United States to raise awareness of and to actively oppose human trafficking.

(b) SENSE OF THE CONGRESS.—It is the sense of Congress that Congress supports the goals and ideals of observing the National Day of Human Trafficking Awareness on January 11 of each year and all other efforts to raise awareness of and opposition to human trafficking.

SA 1457. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. ___. TECHNICAL CORRECTIONS.

(a) IN GENERAL.—

(1) REDESIGNATIONS.—Chapter 27 of title 18, United States Code, is amended by redesignating section 554 added by section 551(a) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1389) (relating to border tunnels and passages) as section 555.

(2) TABLE OF SECTIONS.—The table of sections for chapter 27 of title 18, United States Code, is amended by striking the item relating to section 554, ''Border tunnels and passages'', and inserting the following:

''555. Border tunnels and passages.''.

(b) CRIMINAL FORFEITURE.—Section 982(a)(6)of title 18, United States Code, is amended by striking ''554'' and inserting ''555''.

(c) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Section 551(d) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295; 120 Stat. 1390) is amended in paragraphs (1) and (2)(A) by striking ''554'' and inserting ''555''.

SA 1458. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 304, strike lines 2 through 20 and insert the following:

(ii) APPLICATION.—A Z-1 non-immigrant's application for adjustment of status to that of an alien lawfully admitted for permanent residence may be filed in person with a United States consulate outside the United States or with United States Citizenship and Immigration Services at any location in the United States designated by the Secretary.

SA 1459. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 282, strike line 11 and all that follows through page 283, line 8 and insert the following:

(b) ESTABLISHMENT OF Z NONIMMIGRANT CATEGORY.—

(1) IN GENERAL.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)), as amended by section 401(a), is further amended by adding at the end the following:

''(Z) subject to title VI of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, an alien who—

''(i)(I) has maintained a continuous physical presence in the United States since the date that is 4 years before the date of the enactment of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007;

''(II) is employed, and seeks to continue performing labor, services, or education; and

''(III) the Secretary of Homeland Security determines has sufficient ties to a community in the United States, based on—

''(aa) whether the applicant has immediate relatives (as defined in section 201(b)(2)(A)) residing in the United States;

''(bb) the amount of cumulative time the applicant has lived in the United States;

''(cc) whether the applicant owns property in the United States;

''(dd) whether the applicant owns a business in the United States;

''(ee) the extent to which the applicant knows the English language;

''(ff) the applicant's work history in the United States;

''(gg) whether the applicant attended school (either primary, secondary, college, post-graduate) in the United States;

''(hh) the extent to which the applicant has a history of paying Federal and State income taxes;

''(ii) whether the applicant has been convicted of criminal activity in the United States; and

''(jj) whether the applicant has certifies his or her intention to ultimately become a United States citizen;

''(ii)(I) is the spouse or parent (65 years of age or older) of an alien described in clause (i);

''(II) was, during the 2-year period ending on the date on which the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 was introduced in the Senate, the spouse of an alien who was subsequently classified as a Z nonimmigrant under this section, or is eligible for such classification, if—

''(aa) the termination of the relationship with such spouse was connected to domestic violence; and

''(bb) the spouse has been battered or subjected to extreme cruelty by the spouse or parent who is a Z nonimmigrant; or

''(III) is under 18 years of age at the time of application for nonimmigrant status under this subparagraph and was born to, or legally adopted by, a parent described in clause (i).''.

(2) RULEMAKING.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations, in accordance with the procedures set forth in sections 555, 556, and 557 of title 5, United States Code, which establish the precise system that the Secretary will use to make a determination under section 101(a)(15)(Z)(ii) of the Immigration and Nationality Act, as added by paragraph (1).

SA 1460. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; as follows:

Beginning on page 270, strike lines 31 and 32, and insert the following:

''(3) FAMILY-BASED VISA PETITIONS FILED BEFORE JANUARY 1, 2007, FOR WHICH VISAS WILL BE AVAILABLE BEFORE JANUARY 1, 2027.—

''(A) IN GENERAL.—The allocation of immigrant visas described in paragraph (4) shall apply to an alien for whom—

''(i) a family-based visa petition was filed on or before January 1, 2007; and

''(ii) as of January 1, 2007, the Secretary of Homeland Security calculates under subparagraph (B) that a visa can reasonably be expected to become available before January 1, 2027.

''(B) REASONABLE EXPECTATION OF AVAILABLITY OF VISAS.—In calculating the date on which a family-based visa can reasonably be expected to become available for an alien described in subparagraph (A), the Secretary of Homeland Security shall take into account—

''(i) the number of visas allocated annually for the family preference class under which the alien's petition was filed;

''(ii) the effect of any per country ceilings applicable to the alien's petition;

''(iii) the number of petitions filed before the alien's petition was filed that were filed under the same family preference class; and

''(iv) the rate at which visas made available in the family preference class under which the alien's petition was filed were unclaimed in previous years.

''(4) ALLOCATION OF FAMILY-BASED IMMIGRANT VISAS.—''.

SA 1461. Mr. KYL (for himself, Mr. SPECTER, and Mr. MARTINEZ) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 239, strike line 419(b)

On page 260, line 39 strike ''and''

On page 260, line 44, insert the following: ';and

(iii) up to 40,000 will be for aliens who met the specifications set forth in section 203(b)(1) of the Immigration and Nationality Act (as of January 1, 2007)

(iv) the remaining visas be allocated as follows:

(a) in FY 2008 through 2009, 85,401 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(b) in FY 2010, 56,934 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(c) in FY 2011, 28,467 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

(d) in FY 2012, 14,234 will be for aliens who are the beneficiaries of a petition filed by an employer on their behalf under this section

On page 265, line 16, insert the following:

(G) Any employer desiring and intending to employ within the United States an alien qualified under (A) may file a petition with the Secretary of Homeland Security for such classification

(H) The Secretary of Homeland Security shall collect applications and petitions by July 1 of each fiscal year and will adjudicate from the pool of applicants received for that fiscal year, from the highest to the lowest, the determined number of points necessary for the fiscal year. If the number of applications and petitions submitted that meet the merit based threshold is insufficient for the number of visas available that year, the Secretary is authorized to continue accepting applications and petitions at a date determined by the Secretary to adjudicate the applications and petitions under this section.

Section 214(g) is amended by adding at the end the following new subsection—

''(13) An employer that has at least 1,000 full-time employees who are employed in the United States, including employment authorized aliens, and employs aliens admitted or provided status as a nonimmigrant described in section 101(a)(15)(H)(i)(b) in a number that is equal to at least 15 percent of the number of such full-time employees, may file no more than 1,000 petitions under subsection (c) to import aliens under section 101(a)(15)(H)(i)(b) in any fiscal year.''

SA 1462. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 409, strike paragraphs (1) and (2) and insert the following:

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

(B) by striking subparagraph (B) and inserting the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed—

''(i) for the first fiscal year after the effective date described in section 401(c) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, 200,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year, as adjusted in accordance with paragraph (2)(B); or

''(II) 600,000;

''(C) under clause (iii) of section 101(a)(15)(Y), may not exceed 20 percent of the annual limit on admissions of aliens under clause (i) of such section for that fiscal year; or

''(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

''(i) for the first fiscal year after the effective date referred to in subparagraph (B)(i), 100,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2)(A); or

''(II) 200,000.''; and

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—

''(A) IN GENERAL.—With respect to the numerical limitation in subparagraph (A)(ii) or (D)(ii) of paragraph (1)—

''(i) if the total number of visas allocated for that fiscal year are issued during the first 6 months that fiscal year, an additional 15 percent of the allocated number shall be made available immediately and the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year;

''(ii) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; or

''(iii) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.

''(B) Y–1 NONIMMIGRANTS.—With respect to the numerical limitation in subparagraph (B)(ii) of paragraph (1)—

''(i) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year and the total number of such visas was—

''(I) not more than 400,000, the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year; or

''(II) more than 400,000, the allocated amount for the following fiscal year shall increase by 10 percent of the original allocated amount in the prior fiscal year; or

''(ii) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''.

SA 1463. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

In section 409, strike paragraphs (1) and (2) and insert the following:

(1) in paragraph (1)—

(A) by striking ''(beginning with fiscal year 1992)'';

(B) by striking subparagraph (B) and inserting the following:

''(B) under section 101(a)(15)(Y)(i), may not exceed—

''(i) for the first fiscal year after the effective date described in section 401(c) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007, 200,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2); or

''(II) 400,000;

''(C) under clause (iii) of section 101(a)(15)(Y), may not exceed 20 percent of the annual limit on admissions of aliens under clause (i) of such section for that fiscal year; or

''(D) under section 101(a)(15)(Y)(ii)(II), may not exceed—

''(i) for the first fiscal year after the effective date referred to in subparagraph (B)(i), 100,000; or

''(ii) in any subsequent fiscal year, the lesser of—

''(I) the number for the previous fiscal year as adjusted in accordance with paragraph (2); or

''(II) 200,000.''; and

(2) by redesignating paragraphs (2) through (11) as paragraphs (3) through (12), respectively;

(3) by inserting after paragraph (1) the following:

''(2) MARKET-BASED ADJUSTMENT.—With respect to the numerical limitation set in subparagraph (A)(ii), (B)(ii), and (D)(ii) of paragraph (1)—

''(A) if the total number of visas allocated for that fiscal year are issued before the end of that fiscal year, the allocated amount for the following fiscal year shall increase by 15 percent of the original allocated amount in the prior fiscal year; or

''(B) for any fiscal year after the first subsequent fiscal year to the fiscal year in which the program is implemented, if fewer visas were allotted the previous fiscal year than the number of visas allocated for that year and the reason was not due to processing delays or delays in promulgating regulations, then the allocated amount for the following fiscal year shall decrease by 10 percent of the allocated amount in the prior fiscal year.''.

SA 1464. Mr. MARTINEZ (for himself, Mr. SPECTER, Mr. KYL, Mr. MCCAIN, and Mr. GRAHAM) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 224, between lines 29 and 30, and insert the following:

(3) by amending paragraph (3), as redesignated by paragraph (2) of this section, to read as follows:

''(3) The numerical limitations of paragraph (1)—

''(A) shall apply to principal aliens and not to the spouses or children of such aliens; and

''(B) shall not apply to aliens seeking nonimmigrant status under section 101(a)(15)(Y)(i) for a fiscal year who have been granted nonimmigrant status under such section during a previous fiscal year.''; and

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SA 1465. Mr. GRAHAM (for himself, Mr. KYL, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 157, strike lines 34 through 39, and insert the following:

(2) OVERSTAY.—Except as provided in paragraphs (3) and (4), an alien who knowingly remains in the United States for more than 30 days after the expiration of the period of authorized admission for such alien shall be—

(A) imprisoned for not less than 60 days; and

(B) barred permanently from receiving benefits under the immigration laws of the United States.

On page 150, strike lines 4 through 20.

On page 286, beginning on line 4, strike all through line 10, and insert the following:

(iii) for humanitarian purposes, to ensure family unity, or if such waiver is otherwise in the public interest, the Secretary may, in the Secretary's discretion, waive the application of paragraphs (1)(C), (2)(D)(i) (when the alien demonstrates that such actions or activities were committed involuntarily), (5)(A), (6)(A) (with respect to entries occurring before January 1, 2007), (6)(C)(ii), (6)(D), (6)(F), (6)(G), (7), (9)(B), (9)(C)(i)(I), and (10)(B) of section 212(a) of the Immigration and Nationality Act; and

In Section 1. Effective Date Triggers,

On page 3, line 43 insert the following:

(d) the Secretary of the Department of Homeland Security shall promptly identify, investigate, and initiate removal proceedings against every alien who was admitted to the United States under Section 101(a)(15)(H)(ii) (as amended by Title IV); Section 101(a)(15)(Y); or Section 101(a)(15)(B) (admitted under the terms and conditions of Section 214(s)) of the ACT, and who has exceeded the alien's authorized period of admission or otherwise violated any terms of the nonimmigrant classification in which the alien was admitted. In conducting such removals, the Secretary shall give priority to aliens who may pose a threat to national security, homeland security, or public safety.

Parent Visas:

(a) Paragraph 506(b) is amended by striking ''$1,000'' and inserting ''$2,500''

Fee for the new trigger language regarding the establishment and deployment of a Y departure tracking system.

(a) Paragraph 218A(e), as created by the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007, is amended as follows:

(1) In subparagraph (3)—

(A) To redesignate paragraphs (C), (D) and (E) as paragraphs (D), (E), and (F), respectively;

(B) To add a new paragraph (C) to read as follows:

''(C) An Exit Tracking Fee, in an amount set by Secretary at a level that will ensure recovery of the full costs of providing the Y nonimmigrant visa exit system described in section 1(a)(6) of the Secure Borders, Economic Opportunity and Immigration Reform Act of 2007 and any additional costs associated with the administration of the fees collected''; and

(C) To add a new paragraph (G) to read as follows:

''(G) DEPOSIT AND DISPOSITION OF DEPARTURE FEE.—The funds described in subparagraph (C) shall be deposited and remain available as the Secretary may prescribe to carry out the purposes as described in 218A(e)(3)(C).''

Affidavit requirements:

(a) Amend paragraph (i) of section 601

(1) in subparagraph (2)

(A) amend paragraph (D)(ii) to read as follows:

''(ii) set by notice in the Federal Register such terms and conditions and minimum standards for affidavits described in (C)(VI) as are necessary, when such affidavits are reviewed in combination with the other documentation as described (A) or (C), to reliably demonstrate and provide for verification of the identity of any affiant or verification of the physical presence, identity, or employment information averred to by the affiant, or to otherwise prevent fraudulent submissions.''

Background Checks—

Section 601(g)(3)(B) is amended by adding ''and any other appropriate information'' after ''biometric data provided by the alien.''

Section 601(h)(2) is amended by adding prior to the period at the end of the subsection: ''unless that the Secretary determines, in his discretion, that there are articulable reasons to suspect that the alien may be a danger to the security of the United States or to the public safety. If the Secretary determines that the alien may be a danger to the security of the United States or to the public safety, the Secretary shall endeavor to determine eligibility for Z status as expeditiously as possible.''

Security Checks/Electronic Registration System—

(a) add a new section to title VI to read as follows:

SEC. 626. ELECTRONIC SYSTEM FOR THE PRE-REGISTRATION FOR APPLICANTS FOR Z AND Z-A STATUS.

The Secretary of Homeland Security may establish an online registration process allowing applicants for Z and Z-A nonimmigrant status to provide, in advance of the application described in paragraph 601(f), such biographical information and other information as the Secretary shall prescribe for the purpose of (1) providing applicants with an appointment to provide fingerprints and other biometric data at a DHS facility, (2) initiating background checks based on such information, and (3) other purposes consistent with this Act.

Treatment of Certain Criminal Aliens

Strike page 47, line 38-page 48 line 2 and insert:

''(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply to any conviction that occurred before, on, or after enactment of this Act.''

Exit System Trigger for Y Visas—p.3, line 25 add as section 1(a)(6):

(6) *Visa exit tracking system:* The Department of Homeland Security has established and deployed a system capable of recording the departure of aliens admitted under section 101(a)(15)(Y) of the Immigration and Nationality Act, at designated ports of entry or designated U.S. Consulates abroad.

Strike section 111(a) in its entirety and replace with

(a) Section 215 of the Immigration and Nationality Act, (8 U.S.C. 1185) is amended—

(1) by redesignating subsection (c) as subsection (h);

(2) by moving redesignated subsection (h), as redesignated by paragraph (1) to the end;

(3) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g); and

(4) by inserting after subsection (b) the following:

''(c) COLLECTION OF BIOMETRIC DATA FROM ALIENS ENTERING AND DEPARTING THE UNITED STATES—

''The Secretary shall require aliens entering and departing the United States to provide biometric data and other information relating to their immigration status.

''(d) COLLECTION OF DEPARTURE DATA FROM CERTAIN NONIMMIGRANTS—

''(1) The Secretary shall require aliens who were admitted to the United States under section 101(a)(15)(B) (under the terms and conditions of section 214(s)), section 101(a)(15)(H)(ii), or section 101(a)(15)(Y) to record their departure at a designated port of entry or at a designated United States consulate abroad.

''(2) Aliens who do not record their departure as required in paragraph (1) shall be entered into the database as overstays within 48 hours of the expiration of their period of authorized admission.

''(3) The information in this database shall be made available to state and local law enforcement pursuant to the provisions of section 240D.''

Line edit amendment:

On page 49 lines 7–8 strike '', which is punishable by a sentence of imprisonment of five years or more''

On page 49 line 44 to page 50 line 10 strike ''Unless'' and all that follows and insert:

Any alien whom—

''(i) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe to be or to have been a member of a criminal gang (as defined in section 101 (a)(52)); or

''(ii) a consular officer, the Secretary of Homeland Security, or the Attorney General knows or has reason to believe to have participated in the activities of a criminal gang (as defined in section 101 (a)(52)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang;

''is inadmissible. The Secretary of Homeland Security or the Attorney General may in his discretion waive clauses (i) or (ii).''.

On page 50 line 16 through page 50 line 22, strike ''Any'' and all that follows and insert:

Any alien whom—

''(i) there is reasonable ground to believe is or has been a member of a criminal gang (as defined in section 101(a)(52)); or

''(ii) there is reasonable ground to believe has participated in the activities of a criminal gang (as defined in section 101(a)(52)), knowing or having reason to know that such activities will promote, further, aid, or support the illegal activity of the criminal gang;

''is deportable. The Secretary of Homeland Security or the Attorney General may in his discretion waive clauses (i) or (ii).''

On page 51, strike lines 8–12 and insert: ''(ii) the alien is, or at any time after admission has been, a member of a criminal gang (as defined in section 101(a)(52)); and''

On page 51, line 24, redesignate (e) as (f). On page 51, line 24, redesignate (f) as (g). On page 51, line 23 insert:

(e) EFFECTIVE DATE.—The amendments made to subsections (b), (c) and (d) shall apply to—

1. Any act or membership that occurred on, before or after the date of the enactment of this Act, and

2. all aliens who are required to establish admissibility on or after the date of enactment of this section, and to all aliens in removal, deportation, or exclusion proceedings that are filed, pending, or reopened, on or after such date.

On page 289, line 35–36 strike ''gang membership, renunciation of gang affiliation;'' and insert ''gang membership;''

Misdemeanor Crime for Knowingly Overstaying Visa and Parole:

On page 52, line 10 strike ''or''

On page 52, line 18 strike the period after ''shipping laws)'' and insert ''; or'' On page 52, line 18 insert:

''(D) knowingly exceeds by 30 days or more the period of the alien's admission or parole into the United States.''

On page 53 redesignate subsections (b) and (c) as subsections (c) and (d) and insert on line 25: .

(b) SPECIAL EFFECTIVE DATE.—Subsection (a)(1)(D) of section 275 of the Immigration and Nationality Act, as amended by this Act, shall apply to all aliens admitted or paroled after the enactment of this Act.

Deposit and Spending of Penalties and Fines in Titles VI—

1. Add a new subsection (z) to section 286 as follows:

(z) IMMIGRATION ENFORCEMENT ACCOUNT.—

(1) Transfers into the Immigration Enforcement Account—Immediately upon enactment, the following amount shall be transferred from the general fund to the Immigration Enforcement Account, $4,400,000,000.

(2) Appropriations—

(a) There are hereby appropriated such sums that are provided under subsection 1 to remain available until five years after enactment.

(b) These sums shall be used to meet the trigger requirements set forth in title I, section 1.

(c) To the extent funds are not exhausted pursuant to (b), they shall be used by the Secretary of Homeland Security on one or more of the following:

1. Fencing and Infrastructure;

2. Towers;

3. Detention beds;

4. Employment Eligibility Verification System;

5. Implementation of programs authorized in titles IV and VI; and

6. Other federal border and interior enforcement requirements to ensure the integrity of programs authorized in titles IV and VI.

2. Strike section 608 and replace with the following:

SEC. 608. PAYMENT OF PENALTIES AND USE OF PENALTIES COLLECTED.

(a) The Secretary shall by regulation establish procedures allowing for the payment of 80 percent of the penalties described in Section 601 (e)(6)(B) and Section 602(a)(I)(C)(v) through an installment payment plan.

(b) Any penalties received under this title with respect to an application for Z–1 nonimmigrant status shall be used in the following order of priority:

(1) the first $4.4 billion of such penalties shall be deposited into the general fund as repayment of funds transferred into the Immigration Enforcement Account under section 286(z)(1).

(2) penalties in excess of $4.4 billion shall be deposited and remain available as otherwise provided under this act.

On page 4, strike lines 12 through 26, and insert the following:

(2) SMUGGLING INVESTIGATORS AND ICE PERSONNEL.—

(A) SMUGGLING PERSONNEL.—During each of the fiscal years 2008 through 2012, the Secretary of Homeland Security shall, subject to the availability of appropriations, increase by not less than 200 the number of positions for personnel within the Department assigned to investigate alien smuggling.

(B) INCREASE IN FULL-TIME UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT PERSONNEL.—

(i) IN GENERAL.—In each of the fiscal years 2008 through 2011, the Secretary of Homeland Security shall increase by not less than 1,250 the number of positions for full-time active duty forensic auditors, intelligence research specialists, agents, officers, and investigators in the United States Immigration and Customs Enforcement to carry out the removal of aliens who are not admissible to, or are subject to removal from, the United States, to investigate immigration fraud, and to enforce workplace violations.

(ii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subparagraph.

(C) CONFORMING AMENDMENT.—Section 5203 of the Intelligence Reform and Terrorism Protection Act of 2004 (Public Law 108–458; 118 Stat. 3734) is repealed.

On page 140, beginning on line 4, strike ''In each of the five years beginning on the date of the enactment of this Act, the appropriations necessary to increase to a level not less than 4500'' and insert the following: ''In each of the two years beginning on the date of the enactment of this Act, the appropriations necessary to hire not less than 2500 a year''.

Beginning on page 290, strike line 13 and all that follows through page 291, line 1, and insert the following:

(1) IN GENERAL.—An alien who files an application for Z nonimmigrant status shall, upon submission of any evidence required under subsections (f) and (g) and after the Secretary has conducted appropriate background checks—

(A) shall be granted probationary benefits in the form of employment authorization pending final adjudication of the alien's application;

(B) may, in the Secretary's discretion, receive advance permission to reenter the United States pursuant to existing regulations governing advance parole; and

(C) may not be considered an unauthorized alien (as defined in section 274A(b) of the Immigration and Nationality Act, as amended by section 302) unless employment authorization under subparagraph (A) is denied.

(2) TIMING OF PROBATIONARY BENEFITS.—No probationary benefits shall be issued to an alien described in paragraph (1) until the alien has passed all appropriate background checks.

Beginning on page 154, strike line 23 and all that follows through page 155, line 8, and insert the following:

''(2) EXCEPTION.—The Secretary of Homeland Security may waive the termination of the period of authorized admission of an alien who is a Y nonimmigrant for unemployment under paragraph (1)(D) if the alien submits to the Secretary an attestation under penalty of perjury in a form prescribed by the Secretary, with supporting documentation, that establishes that such unemployment was the result of—

''(A) a period of physical or mental disability of the alien or the spouse, son, daughter, or parent (as defined in section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611)) of the alien;

''(B) a period of vacation, medical leave, maternity leave, or similar leave from employment authorized by Federal or State law or by a policy of the alien's employer; or

''(C) any other period of temporary unemployment that is the direct result of a force majeure event.

''(3) RETURN TO FOREIGN RESIDENCE.—An alien who is a Y nonimmigrant whose period of authorized admission terminates under paragraph (1) shall depart the United States immediately.

''(k) REGISTRATION OF DEPARTURE.—

''(1) IN GENERAL.—An alien who is a Y nonimmigrant whose period of authorized admission has expired under subsection (i), or whose period of authorized admission terminates under subsection (j), shall register the departure of such alien at a designated port of departure or designated U.S. consulate abroad in a manner to be prescribed by the Secretary of Homeland Security.

''(2) EFFECT OF FAILURE TO DEPART.—In the event an alien described in paragraph (1) fails to depart the United States or to register such departure as required by subsection (j)(3), the Secretary of Homeland Security shall take immediate action to determine the location of the alien and, if the alien is located in the United States, to remove the alien from the United States.

''(3) INVALIDATION OF DOCUMENTATION.—Any documentation issued by the Secretary of Homeland Security under subsection (m) to an alien described in paragraph (1) shall be invalid for any purpose except the departure of the alien on and after the date on which the period of authorized admission of such alien terminates.''. The Secretary shall ensure that the invalidation of such documentation is recorded in the employment eligibility verification system described in section 301.

at the appropriate place in Title 3, insert the following:

14 days prior to employment eligibility expiration employers shall provide, in writing, notification to aliens of the expiration of the alien's employment eligibility.

SA 1466. Mr. BIDEN (for himself and Mrs. CLINTON) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 56, strike line 9 and insert the following:

''(i) VICTIMS OF BATTERY AND EXTREME CRUELTY.—The Attorney General in the Attorney General's discretion may waive the provisions of subsection (a) in the case of an alien to whom the Attorney General has granted classification under clause (iii), (iv), or (v) of subparagraph (A) of section 204 (a)(1), or classification under clause (ii), (iii), or (iv) of subparagraph (B) of such section, in any case in which there is a connection between—

''(1) the alien's having been battered or subjected to extreme cruelty; and

''(2) the alien's—

''(A) removal;

''(B) departure from the United States;

''(C) reentry or reentries into the United States; or

''(D) attempted reentry into the United States.

''(j) DEFINITIONS.—In this section:

On page 71, line 6, strike ''and''.

On page 71, line 14, strike the period at the end and insert the following: ''; and

(7) by adding at the end the following new subsection:

''(g) APPLICATION OF VAWA PROTECTIONS.—The restrictions on relief under this section shall not apply to relief under sections 240A or 245 on the basis of a petition filed by a VAWA self-petitioner, or a petition filed under section 240(A)(b)(2), or under 244(a)(3) (as in effect on March 31, 1997), if the extreme cruelty or battery was at least one central reason for the alien's overstaying the grant of voluntary departure.''.

On page 150, strike line 9 and insert ''grounds of inadmissability under section 601(d)(2) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).''.

On page 150, strike line 31 and insert ''601(d)(1)(A), (D), (E), (F), or (G) of the Secure Borders, Economic Opportunity, and Immigration Reform Act of 2007 unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).''.

On page 157, line 7, strike ''; or'' and insert a semicolon.

On page 157, line 11, strike the period at the end and insert ''; or

''(D) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 158, line 2, strike ''; or'' and insert a semicolon.

On page 158, line 6, strike the period at the end and insert ''; or

''(D) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 271, strike lines 19 through 21 and insert the following:

(d) PETITION.—Section 204(a)(1) of the Immigrations and Nationality Act (8 U.S.C. 1154(a)(1)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking '', (3), or (4)''; and

(B) in clause (vii)(III), insert after ''immediate relative under section 201(b)(2)(A)(i)'' the following: ''(as in effect on January 1, 2007)''; and

(2) in subparagraph (D)(i)(I), by striking ''a petitioner'' and all that follows through the period at the end of the sentence and inserting ''an immediate relative''.

On page 279, line 14, strike ''; or'' and insert a semicolon.

On page 279, line 18, strike the period at the end and insert ''; or

''(iv) relief as a VAWA self-petitioner or under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) or under section 244(a)(3) (as in effect on March 31, 1997).

On page 280, line 2, insert after ''terminated.'' the following: ''The provisions of this paragraph shall not apply to citizen and Y-1 nonimmigrant sponsors described in subsection 214(d)(2)(c)(ii) or section 237(a)(7).''.

On page 303, line 9, insert after ''221 and 222'' the following: ''of the Immigration and Nationality Act (8 U.S.C. 1201 and 1202) unless the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) of such Act or under section 244(a)(3) of such Act (as in effect on March 31, 1997).''.

On page 305, strike line 13 and insert the following:

(A) RESTRICTION ON VISA ISSUANCE OR ADJUSTMENT.—

(i) IN GENERAL.—An

On page 305, between lines 19 and 20, insert the following:

(ii) EXCEPTION FOR CERTAIN INDIVIDUALS.—The restriction under clause (i) does not apply if the alien qualifies for relief as a VAWA self-petitioner or qualifies for relief under sections 240A(b)(2), 101(a)(15)(T), or 101(a)(15)(U) of the Immigration and Nationality Act or under section 244(a)(3) of such Act (as in effect on March 31, 1997).

SA 1467. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. B–1 VISITOR VISA GUIDELINES AND DATA TRACKING SYSTEMS.

(a) GUIDELINES.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act—

(A) the Secretary of State shall review existing regulations or internal guidelines relating to the decisionmaking process with respect to the issuance of B–1 visas by consular officers and determine whether modifications are necessary to ensure that such officers make decisions with respect to the issuance of B–1 visas as consistently as possible while ensuring security and maintaining officer discretion over such issuance determinations; and

(B) the Secretary of Homeland Security shall review existing regulations or internal guidelines relating to the decisionmaking process of Customs and Border Protection officers concerning whether aliens holding a B–1 visitor visa are admissible to the United States and the appropriate length of stay and shall determine whether modifications are necessary to ensure that such officers make decisions with respect to aliens' admissibility and length of stay as consistently as possible while ensuring security and maintaining officer discretion over such determinations.

(2) MODIFICATION.—If, after conducting the reviews under paragraph (1), the Secretary of State or the Secretary of Homeland Security determine that modifications to existing regulations or internal guidelines, or the establishment of new regulations or guidelines, are necessary, the relevant Secretary shall make such modifications during the 6-month period referred to in such paragraph.

(3) CONSULTATIONS.—In making determinations and preparing guidelines under paragraph (1), the Secretary of State and the Secretary of Homeland Security shall consult with appropriate stakeholders.

(b) DATA TRACKING SYSTEMS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act—

(A) the Secretary of State shall develop and implement a system to track aggregate data relating to the issuance of B–1 visitor visas in order to ensure the consistent application of agency regulations or internal guidelines; and

(B) the Secretary of Homeland Security shall develop and implement a system to track aggregate data relating to admissibility decision, and length of stays under, B-1 visitor visas in order to ensure the consistent application of agency regulations or internal guidelines.

(2) LIMITATION.—The systems implemented under paragraph (1) shall not store or track personally identifiable information, except that this paragraph shall not be construed to limit the application of any other system that is being implemented by the Department of State or the Department of Homeland Security to track travelers or travel to the United States.

(c) PUBLIC EDUCATION.—The Secretary of State and the Secretary of Homeland Security shall carry out activities to provide guidance and education to the public and to visa applicants concerning the nature, purposes, and availability of the B-1 visa for business travelers.

(d) REPORT.—Not later than 6 and 18 months after the date of enactment of this Act, the Secretary of State and the Secretary of Homeland Security shall submit reports concerning the status of the implementation of this section to the Senate Committees on the Judiciary & Foreign Relations

and to the Committees on the Judiciary and Foreign Affairs of the House of Representatives.

SA 1468. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 123, strike line 5 and all that follows through page 124, line 6, and insert the following:

''(1) EMPLOYERS.—

''(A) IN GENERAL.—Whenever an employer who does not hold Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to prohibition from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Secretary. The Secretary or the Attorney General shall advise the Administrator of General Services of any such prohibition, and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for the period of the prohibition.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department regarding an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the prohibition or may limit the duration or scope of the prohibition under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.

''(2) CONTRACTORS AND RECIPIENTS.—

''(A) IN GENERAL.—Whenever an employer who holds Federal contracts, grants, or cooperative agreements is determined by the Secretary to be a repeat violator of this section or is convicted of a crime under this section, the employer shall be subject to prohibition from the receipt of Federal contracts, grants, or cooperative agreements for a period of not less than 5 years in accordance with the procedures and standards prescribed by the Secretary. Prior to prohibiting the employer, the Secretary, in cooperation with the Administrator of General Services, shall advise all agencies holding contracts, grants, or cooperative agreements with the employer of the proceedings to prohibit the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of not less than 5 years.

''(B) WAIVER AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with an employer described under subparagraph (A), the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive the prohibition or may limit the duration or scope of the prohibition under subparagraph (A) if such waiver or limitation is necessary to the national defense or in the interest of national security.

''(C) NOTIFICATION TO CONGRESS.—If the Administrator of General Services grants a waiver or limitation described under subparagraph (B), the Administrator shall submit notice of such waiver or limitation to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives.''.

SA 1469. Mrs. CLINTON submitted an amendment intended to be proposed to amendment SA 1150 proposed by Mr. REID (for Mr. KENNEDY (for himself and Mr. SPECTER)) to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert the following after Section 126:

''SECTION 127. NORTHERN BORDER COORDINATOR.

''(a) IN GENERAL.—There shall be within the Directorate of Border and Transportation Security the position of Northern Border Coordinator, who shall be appointed by the Secretary and who shall report directly to the Under Secretary for Border and Transportation Security.

''(b) RESPONSIBILITIES.—The Northern Border Coordinator shall be responsible for—

''(1) increasing the security of the border, including ports of entry, between the United States and Canada;

''(2) improving the coordination among the agencies responsible for the security described under paragraph (1);

''(3) serving as the primary liaison with State and local governments and law enforcement agencies regarding security along the border between the United States and Canada; and

''(4) serving as a liaison with the Canadian government on border security.''.

SA 1470. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ADMISSION OF CERTAIN NATIONALS FROM IRAQ AS PRIORITY 2 REFUGEES.

(a) IN GENERAL.—Subject to the numerical limitations established pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), the Secretary of State or a designee of the Secretary shall present to the Secretary of Homeland Security, and the Secretary of Homeland Security or a designee of the Secretary shall adjudicate, any application for refugee status under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) submitted by an applicant who—

(1) is a national of Iraq;

(2) is able to demonstrate that—

(A) for a period of at least one year beginning after March 1, 2003, he or she served the United States Government inside Iraq as an employee, volunteer, contractor, or employee of a contractor of the United States Government; or

(B) he or she has a parent, spouse, son, daughter, grandparent, grandchild, or sibling currently residing in the United States who is a United States citizen, lawful permanent resident, asylee, or refugee; and

(3) is able to demonstrate that he or she left Iraq before January 1, 2007, and has resided outside Iraq since that time.

(b) AUTHORIZATION OF ADDITIONAL REFUGEE ADMISSIONS.—Section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) is amended by adding at the end the following new subsection:

''(g) ADMISSION OF CERTAIN NATIONALS OF IRAQ.—In addition to any refugee admissions determined under subsections (a) and (b), there are 250,000 refugee admissions authorized for each of fiscal years 2007, 2008, and 2009 for refugees who are nationals of Iraq.''.

SA 1471. Mr. DURBIN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 242, strike line 37 and all that follows through line 24, on page 250, and insert the following:

''(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H-1B nonimmigrants and nonimmigrants described in section 101(a)(15)(L).''.

(e) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

''(A) The employer—

''(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(II) the median average wage for all workers in the occupational classification in the area of employment; or

''(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed.''; and

(B) in subparagraph (D), by inserting ''the wage determination methodology used under subparagraph (A)(i),'' after ''shall contain''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(f) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

''(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an H–1B nonimmigrant with another employer unless the employer of the alien has received a waiver under paragraph (2)(E).''; and

(B) in paragraph (2), by amending subparagraph (E) to read as follows:

''(E) The Secretary of Labor shall promulgate rules, after notice and a period for comment, for an employer of an H–1B nonimmigrant to apply for a waiver of the prohibition in paragraph (1)(F). The decision whether to grant or deny a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive a waiver under this subparagraph, the burden shall be on the employer seeking the waiver to establish that—

''(i) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(ii) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(iii) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(iv) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed.''.

(2) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(n)(2)(E) of such Act, as amended by paragraph (1)(B) of this subsection, are issued.

(g) POSTING AVAILABLE POSITIONS.—

(1) POSTING AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) by redesignating clause (ii) as subclause (II);

(B) by striking ''(i) has provided'' and inserting the following:

''(ii)(I) has provided''; and

(C) by inserting before clause (ii), as redesignated by subparagraph (B), the following:

''(i) has posted a detailed description of each position for which a nonimmigrant is sought on the website described in paragraph (6) of this subsection for at least 30 calendar days, which description shall include the wages and other terms and conditions of employment, the minimum education, training, experience and other requirements for the position, and the process for applying for the position; and''.

(2) DEPARTMENT OF LABOR WEBSITE.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

''(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a searchable website for posting positions as required by paragraph (1)(C). This website shall be publicly accessible without charge.

''(B) The Secretary may charge a nominal filing fee to employers who post positions on the website established under this paragraph to cover expenses for establishing and administering the website.

''(C) The Secretary may work with private companies and nonprofit organizations in the development and operation of the website established under this paragraph.

''(D) The Secretary may promulgate rules, after notice and a period for comment, to carry out the requirements of this paragraph.''.

(3) APPLICATION.—The amendments made by paragraph (1) shall apply to an application filed 30 days or more after the date that the website required by section 212(n)(6) of such Act, as added by paragraph (2) of this subsection, is created.

SEC. 421. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) SAFEGUARDS AGAINST FRAUD AND MISREPRESENTATION IN APPLICATION REVIEW PROCESS.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting ''and through the Department of Labor's website, without charge.'' after ''D.C.'';

(2) by inserting '', clear indicators of fraud, misrepresentation of material fact,'' after ''completeness'';

(3) by striking ''or obviously inaccurate'' and inserting '', presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate'';

(4) by striking ''within 7 days of'' and inserting ''not later than 14 days after''; and

(5) by adding at the end the following: ''If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2)''.

(b) INVESTIGATIONS BY DEPARTMENT OF LABOR.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking ''12 months'' and inserting ''24 months''; and

(B) by striking ''The Secretary shall conduct'' and all that follows and inserting ''Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.'';

(2) in subparagraph (C)(i)—

(A) by striking '' condition of paragraph (1)(B), (1)(E), or (1)(F)'' and inserting ''a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)''; and

(B) by striking ''(1)(C)'' and inserting ''(1)(C)(ii)'';

(3) in subparagraph (G)—

(A) in clause (i), by striking ''if the Secretary'' and all that follows and inserting ''with regard to the employer's compliance with the requirements of this subsection.'';

(B) in clause (ii), by striking ''and whose identity'' and all that follows through ''failure or failures.'' and inserting ''the Secretary of Labor may conduct an investigation into the employers compliance with the requirements of this subsection.'';

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking ''meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months'' and inserting ''comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months'';

(G) by amending clause (v), as redesignated, to read as follows:

''(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.''.

(H) in clause (vi), as redesignated, by striking ''An investigation'' and all that follows through ''the determination.'' and inserting ''If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination.''; and

(I) by adding at the end the following:

''(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C).''; and

(4) by striking subparagraph (H).

(c) INFORMATION SHARING BETWEEN DEPARTMENT OF LABOR AND DEPARTMENT OF HOMELAND SECURITY.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

''(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.''.

(d) AUDITS.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: ''The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H-1B nonimmigrants during the applicable calendar year.''

(e) PENALTIES.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking ''$1,000'' and inserting ''$2,000'';

(2) in clause (ii)(I), by striking ''$5,000'' and inserting ''$10,000''; and

(3) in clause (vi)(III), by striking ''$1,000'' and inserting ''$2,000''.

(f) INFORMATION PROVIDED TO H–1B NONIMMIGRANTS UPON VISA ISSUANCE.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

''(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights.

''(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

''(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections; and

''(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights.''.

SEC. 422. L-1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) IN GENERAL.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security'';

(2) in subparagraph (E), by striking ''In the case of an alien spouse admitted under section 101(a)(15)(L), who'' and inserting ''Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)''; and

(3) by adding at the end the following:

''(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a

new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

''(I) a business plan;

''(II) sufficient physical premises to carry out the proposed business activities; and

''(III) the financial ability to commence doing business immediately upon the approval of the petition.

''(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

''(I) evidence that the importing employer meets the requirements of this subsection;

''(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

''(III) a statement summarizing the original petition;

''(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

''(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

''(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

''(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

''(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

''(IX) evidence of wages paid to employees;

''(X) evidence of the financial status of the new facility; and

''(XI) any other evidence or data prescribed by the Secretary.

''(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

''(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.''.

(b) INVESTIGATIONS AND AUDITS BY DEPARTMENT OF HOMELAND SECURITY.—

(1) DEPARTMENT OF HOMELAND SECURITY INVESTIGATIONS.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

''(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

''(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

''(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

''(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

''(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

''(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).''.

(2) AUDITS.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

''(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year.''.

(3) REPORTING REQUIREMENT.—Section 214(c)(8) of such Act is amended by inserting ''(L),'' after ''(H),''.

(c) PENALTIES.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

''(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

''(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

''(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

''(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

''(II) the employer shall be liable to employees harmed for lost wages and benefits.''.

(d) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

''(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

''(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

''(bb) the median average wage for all workers in the occupational classification in the area of employment; or

''(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

''(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

''(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

''(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

''(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

''(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

''(aa) the opportunity to participate in health, life, disability, and other insurance plans;

''(bb) the opportunity to participate in retirement and savings plans; and

''(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance).

''(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(e) PROHIBITION ON OUTPLACEMENT.—

(1) IN GENERAL.—Paragraph (2) of section 214(c) of such Act, as amended by this section, is further amended by adding at the end the following:

''(L)(i) An employer who imports an alien as a nonimmigrant described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of the alien with another employer unless the employer of the alien has received a waiver under clause (ii).

''(ii) The Secretary of Homeland Security shall promulgate rules, after notice and a period for comment, for an employer to apply for a waiver of the prohibition set out in clause (i). The decision whether to grant or deny such a waiver under this subparagraph shall be in the sole and unreviewable discretion of the Secretary. In order to receive such a waiver, the burden shall be on the employer seeking the waiver to establish that—

''(I) the placement is for legitimate business purposes and not to evade the requirements of this subsection;

''(II) the employer with whom the nonimmigrant would be placed has not displaced and does not intend to displace a United States worker employed by the employer within the period beginning 180 days before and ending 180 days after the date of the placement of the nonimmigrant with the employer;

''(III) the nonimmigrant will not be controlled and supervised principally by the employer with whom the nonimmigrant would be placed; and

''(IV) the placement of the nonimmigrant is not essentially an arrangement to provide labor for hire for the employer with whom the nonimmigrant will be placed, rather than a placement in connection with the provision or a product or service for which specialized knowledge specific to the petitioning employer is necessary.''.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply to an application filed on or after the date the rules required section 212(c)(2)(L)(ii) of such Act, as added by paragraph (1) of this subsection, are issued.

SA 1472. Ms. CANTWELL submitted an amendment intended to be proposed by her to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 238, beginning with line 13, strike all through page 239, line 38, and insert the following:

(c) GRANTING DUAL INTENT TO CERTAIN NONIMMIGRANT STUDENTS.—Section 214(h) (8 U.S.C. 1184(h)) is amended—

(1) by striking ''(H)(i)(b) or (c),'' and inserting ''(F)(iv), (H)(i)(b), (H)(i)(c),''; and

(2) by striking ''if the alien had obtained a change of status'' and inserting ''if the alien had been admitted as, provided status as, or obtained a change of status''.

SEC. 419. H–1B STREAMLINING AND SIMPLIFICATION.

(a) H–1B AMENDMENTS.—Section 214(g) (8 U.S.C. 1184(g)) is amended—

(1) in paragraph (1)(A), by striking clauses (i) through (vii) and inserting the following:

''(i) 115,000 in fiscal year 2008;

''(ii) in any subsequent fiscal year, subject to clause (iii), the number for the previous fiscal year as adjusted in accordance with the method set forth in paragraph (2); and

''(iii) 180,000 for any fiscal year;''.

(2) in paragraph (9), as redesignated by section 409—

(A) in subparagraph (B)—

(i) in clause (ii), by striking ''The annual numerical limitations described in clause (i) shall not exceed'' and inserting ''Without respect to the annual numerical limitations described in clause (i), the Secretary may issue a visa or otherwise grant nonimmigrant status pursuant to section 1101(a)(15)(H)(i)(b) in the following quantities:''; and

(ii) by striking clause (iv); and

(B) by striking subparagraph (D).

(b) ENSURING ACCESS TO SKILLED WORKERS IN SPECIALTY OCCUPATIONS.—

(1) IN GENERAL.—Paragraph (6) of section 214(g) of the Immigration and Nationality Act (8 U.S.C. 1184(g)), as redesignated by section 409, is amended to read as follows:

''(6) The numerical limitations contained in paragraph (1)(A) shall not apply to any nonimmigrant alien issued a visa or otherwise provided status under section 101(a)(15)(H)(i)(b) who—

''(A) until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 30,000—

''(i) is employed (or has received an offer of employment) at an institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), or a related or affiliated nonprofit entity; or

''(ii) is employed (or has received an offer of employment) at a nonprofit research organization or a governmental research organization;

''(B) has earned a master's or higher degree from a United States institution of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 40,000; or

''(C) has earned a master's or higher degree in science, technology, engineering, or mathematics from an institution of higher education outside of the United States, until the number of aliens who are exempted from such numerical limitation under this subparagraph during a year exceeds 20,000.''.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall apply to any petition or visa application pending on the date of enactment of this Act and any petition or visa application filed on or after such date.

SA 1473. Mr. COLEMAN (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1, add the following new subsection:

(e) INFORMATION SHARING BETWEEN FEDERAL AND LOCAL LAW ENFORCEMENT OFFICERS.—

(1) REQUIREMENT FOR INFORMATION SHARING.—No person or agency may prohibit a Federal, State, or local government entity from acquiring information regarding the immigration status of any individual if the entity seeking such information has probable cause to believe that the individual is not lawfully present in the United States. Such probable cause includes the individual's failure to possess an identification document issued by the United States or a State.

(2) REQUIREMENT PRIOR TO IMPLEMENTATION.—Subject to subsection (a), with the exception of the probationary benefits conferred by section 601(h) of this Act, the provisions of subtitle C of title IV, and the admission of aliens under section 101(a)(15)(H)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)), as amended by title IV, the programs established by title IV, and the programs established by title VI that grant legal status to any individual or that adjust the current status of any individual who is unlawfully present in the United States to that of an alien lawfully admitted for permanent residence, may not become effective until the date that the Secretary submits a written certification to the President and Congress that the requirement set out in paragraph (1) is being carried out.

(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) may be construed—

(A) to limit the acquisition of information as otherwise provided by law; or

(B) to require a person to disclose information regarding an individual's immigration status prior to the provision of emergency medical assistance.

SA 1474. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

Insert before section 426 the following:

SEC. 425A. BLANKET PETITIONS TO SPONSOR INTERNATIONAL ATHLETES AND PERFORMERS.

Section 214(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(4)) is amended by adding at the end the following:

''(F)(i) The Secretary of Homeland Security shall provide for a procedure under which a petitioner for aliens described in section 101(a)(15)(P) may file a blanket petition to import such aliens (including their essential support personnel) as nonimmigrants described in such section instead of filing individual petitions under paragraph (1) to import such aliens. Such procedure shall permit the expedited processing of visas for admission of aliens covered under such a petition.

''(ii) A petitioner may file such a blanket petition seeking continuing approval to import the aliens as described in clause (i), for itself and some or all of its parent organizations, branches, subsidiaries, and affiliates (collectively referred to in this subparagraph as 'qualifying organizations'), if—

''(I) the petitioner has an office in the United States where the petitioner has been doing business for not less than 1 year; and

''(II) the petitioner and the petitioner's qualifying organizations—

''(aa) have obtained approval of petitions under paragraph (1) for at least 10 aliens described in section 101(a)(15)(P) during the previous 12 months;

''(bb) have worldwide combined annual sales of at least $5,000,000; or

''(cc) have a United States workforce of at least 500 employees.

''(iii) A petitioner that meets the requirements of clause (ii) may request a blanket advisory opinion from a labor organization described in paragraph (6)(A)(iii).

''(iv) Notwithstanding paragraph (1), the question of importing any alien under a petition described in this subparagraph shall be determined by the Secretary of Homeland Security.

''(v) United States consular officers shall have authority to determine eligibility of individual aliens outside the United States seeking admission under blanket petitions filed under this subparagraph for aliens described in section 101(a)(15)(P), except for visa-exempt nonimmigrants. Visa-exempt nonimmigrants may seek a determination of such eligibility from an authorized Department of Homeland Security officer at a United States port of entry.

''(G) A petition approved under subparagraph (F) for an alien described in section 101(a)(15)(P) shall be valid for an initial period of time determined by the Secretary of Homeland Security, which shall not exceed 2 years.''.

SA 1475. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 1409 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) and intended to be proposed to the bill S. 1348, to provide for comprehensive immigration reform and for other purposes; which was ordered to lie on the table; as follows:

On page 6, after line 12 of the amendment, insert the following:

(d) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—Section 106(d) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), as amended by subsection (c)(1), is further amended by adding at the end the following:

''(5) FEE FOR RECAPTURE OF UNUSED EMPLOYMENT-BASED IMMIGRANT VISAS.—

''(A) IN GENERAL.—The Secretary of Homeland Security shall impose a fee upon each petitioning employer who uses a visa recaptured from fiscal years 1996 and 1997 under this subsection to provide employment for an alien as a professional nurse, provided that—

''(i) such fee shall be in the amount of $1,500 for each such alien nurse (but not for dependents accompanying or following to join who are not professional nurses); and

''(ii) no fee shall be imposed for the use of such visas if the employer demonstrates to the Secretary that—

''(I) the employer is a health care facility that is located in a county or parish that received individual and public assistance pursuant to Major Disaster Declaration number 1603 or 1607; or

''(II) the employer is a health care facility that has been designated as a Health Professional Shortage Area facility by the Secretary of Health and Human Services as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e).

''(B) FEE COLLECTION.—A fee imposed by the Secretary of Homeland Security pursuant to this paragraph shall be collected by the Secretary as a condition of approval of an application for adjustment of status by the beneficiary of a petition or by the Secretary of State as a condition of issuance of a visa to such beneficiary.''.

(e) DOMESTIC NURSING ENHANCEMENT ACCOUNT.—Section 286 of the Immigration and Nationality Act (8 U.S.C. 1356) is amended by adding at the end the following:

''(w) DOMESTIC NURSING ENHANCEMENT ACCOUNT.—

''(1) ESTABLISHMENT.—There is established in the general fund of the Treasury a separate account which shall be known as the 'Domestic Nursing Enhancement Account.' Notwithstanding any other provision of law, there shall be deposited as offsetting receipts into the account all fees collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note). Nothing in this subsection shall prohibit the depositing of other moneys into the account established under this section.

''(2) USE OF FUNDS.—Amounts collected under section 106(d)(5) of the American Competitiveness in the Twenty-first Century Act of 2000 (Public Law 106–313; 8 U.S.C. 1153 note), and deposited into the account established under paragraph (1) shall be used by the Secretary of Health and Human Services to carry out section 832 of the Public Health Service Act. Such amounts shall be available for obligation only to the extent, and in the amount, provided in advance in appropriations Acts. Such amounts are authorized to remain available until expended.''.

(f) CAPITATION GRANTS TO INCREASE THE NUMBER OF NURSING FACULTY AND STUDENTS.—Part D of title VIII of the Public Health Service Act (42 U.S.C. 296p et seq.) is amended by adding at the end the following:

''SEC. 832. CAPITATION GRANTS.

''(a) IN GENERAL.—For the purpose described in subsection (b), the Secretary, acting through the Health Resources and Services Administration, shall award a grant each fiscal year in an amount determined in accordance with subsection (c) to each eligible school of nursing that submits an application in accordance with this section.

''(b) PURPOSE.—A funding agreement for a grant under this section is that the eligible school of nursing involved will expend the grant to increase the number of nursing faculty and students at the school, including by hiring new faculty, retaining current faculty, purchasing educational equipment and audiovisual laboratories, enhancing clinical laboratories, repairing and expanding infrastructure, or recruiting students.

''(c) GRANT COMPUTATION.—

''(1) AMOUNT PER STUDENT.—Subject to paragraph (2), the amount of a grant to an eligible school of nursing under this section for a fiscal year shall be the total of the following:

''(A) $1,800 for each full-time or part-time student who is enrolled at the school in a graduate program in nursing that—

''(i) leads to a masters degree, a doctoral degree, or an equivalent degree; and

''(ii) prepares individuals to serve as faculty through additional course work in education and ensuring competency in an advanced practice area.

''(B) $1,405 for each full-time or part-time student who—

''(i) is enrolled at the school in a program in nursing leading to a bachelor of science degree, a bachelor of nursing degree, a graduate degree in nursing if such program does not meet the requirements of subparagraph (A), or an equivalent degree; and

''(ii) has not more than 3 years of academic credits remaining in the program.

''(C) $966 for each full-time or part-time student who is enrolled at the school in a program in nursing leading to an associate degree in nursing or an equivalent degree.

''(2) LIMITATION.—In calculating the amount of a grant to a school under paragraph (1), the Secretary may not make a payment with respect to a particular student—

''(A) for more than 2 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a master's degree or an equivalent degree;

''(B) for more than 4 fiscal years in the case of a student described in paragraph (1)(A) who is enrolled in a graduate program in nursing leading to a doctoral degree or an equivalent degree;

''(C) for more than 3 fiscal years in the case of a student described in paragraph (1)(B); or

''(D) for more than 2 fiscal years in the case of a student described in paragraph (1)(C).

''(d) ELIGIBILITY.—In this section, the term 'eligible school of nursing' means a school of nursing that—

''(1) is accredited by a nursing accrediting agency recognized by the Secretary of Education;

''(2) has a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent for each of the 3 academic years preceding submission of the grant application; and

''(3) has a graduation rate (based on the number of students in a class who graduate relative to, for a baccalaureate program, the number of students who were enrolled in the class at the beginning of junior year or, for an associate degree program, the number of students who were enrolled in the class at the end of the first year) of not less than 80 percent for each of the 3 academic years preceding submission of the grant application.

''(e) REQUIREMENTS.—The Secretary may award a grant under this section to an eligible school of nursing only if the school gives assurances satisfactory to the Secretary that, for each academic year for which the grant is awarded, the school will comply with the following:

''(1) The school will maintain a passage rate on the National Council Licensure Examination for Registered Nurses of not less than 80 percent.

''(2) The school will maintain a graduation rate (as described in subsection (d)(3)) of not less than 80 percent.

''(3)(A) Subject to subparagraphs (B) and (C), the first-year enrollment of full-time nursing students in the school will exceed such enrollment for the preceding academic year by 5 percent or 5 students, whichever is greater.

''(B) Subparagraph (A) shall not apply to the first academic year for which a school receives a grant under this section.

''(C) With respect to any academic year, the Secretary may waive application of subparagraph (A) if—

''(i) the physical facilities at the school involved limit the school from enrolling additional students; or

''(ii) the school has increased enrollment in the school (as described in subparagraph (A)) for each of the 2 preceding academic years.

''(4) Not later than 1 year after receiving a grant under this section, the school will formulate and implement a plan to accomplish at least 2 of the following:

''(A) Establishing or significantly expanding an accelerated baccalaureate degree nursing program designed to graduate new nurses in 12 to 18 months.

''(B) Establishing cooperative intradisciplinary education among schools of nursing with a view toward shared use of technological resources, including information technology.

''(C) Establishing cooperative interdisciplinary training between schools of nursing and schools of allied health, medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, public health, or veterinary medicine, including training for the use of the interdisciplinary team approach to the delivery of health services.

''(D) Integrating core competencies on evidence-based practice, quality improvements, and patient-centered care.

''(E) Increasing admissions, enrollment, and retention of qualified individuals who are financially disadvantaged.

''(F) Increasing enrollment of minority and diverse student populations.

''(G) Increasing enrollment of new graduate baccalaureate nursing students in graduate programs that educate nurse faculty members.

''(H) Developing post-baccalaureate residency programs to prepare nurses for practice in specialty areas where nursing shortages are most severe.

''(I) Increasing integration of geriatric content into the core curriculum.

''(J) Partnering with economically disadvantaged communities to provide nursing education.

''(K) Expanding the ability of nurse managed health centers to provide clinical education training sites to nursing students.

''(5) The school will submit an annual report to the Secretary that includes updated information on the school with respect to student enrollment, student retention, graduation rates, passage rates on the National Council Licensure Examination for Registered Nurses, the number of graduates employed as nursing faculty or nursing care providers within 12 months of graduation, and the number of students who are accepted into graduate programs for further nursing education.

''(6) The school will allow the Secretary to make on-site inspections, and will comply with the Secretary's requests for information, to determine the extent to which the school is complying with the requirements of this section.

''(f) REPORTS TO CONGRESS.—The Secretary shall evaluate the results of grants under this section and submit to Congress—

''(1) not later than 18 months after the date of the enactment of this section, an interim report on such results; and

''(2) not later than September 30, 2010, a final report on such results.

''(g) APPLICATION.—An eligible school of nursing seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—In addition to the amounts in the Domestic Nursing Enhancement Account, established under section 286(w) of the Immigration and Nationality Act, there are authorized to be appropriated such sums as may be necessary to carry out this section.''.

(g) GLOBAL HEALTH CARE COOPERATION.—

(1) IN GENERAL.—Title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) is amended by inserting after section 317 the following:

''SEC. 317A. TEMPORARY ABSENCE OF ALIENS PROVIDING HEALTH CARE IN DEVELOPING COUNTRIES.

''(a) IN GENERAL.—Notwithstanding any other provision of this Act, the Secretary of Homeland Security shall allow an eligible alien and the spouse or child of such alien to reside in a candidate country during the period that the eligible alien is working as a physician or other health care worker in a candidate country. During such period the eligible alien and such spouse or child shall be considered—

''(1) to be physically present and residing in the United States for purposes of naturalization under section 316(a); and

''(2) to meet the continuous residency requirements under section 316(b).

''(b) DEFINITIONS.—In this section:

''(1) CANDIDATE COUNTRY.—The term 'candidate country' means a country that the Secretary of State determines to be—

''(A) eligible for assistance from the International Development Association, in which the per capita income of the country is equal to or less than the historical ceiling of the International Development Association for the applicable fiscal year, as defined by the International Bank for Reconstruction and Development;

''(B) classified as a lower middle income country in the then most recent edition of the World Development Report for Reconstruction and Development published by the International Bank for Reconstruction and Development and having an income greater than the historical ceiling for International Development Association eligibility for the applicable fiscal year; or

''(C) qualified to be a candidate country due to special circumstances, including natural disasters or public health emergencies.

''(2) ELIGIBLE ALIEN.—The term 'eligible alien' means an alien who—

''(A) has been lawfully admitted to the United States for permanent residence; and

''(B) is a physician or other healthcare worker.

''(c) CONSULTATION.—The Secretary of Homeland Security shall consult with the Secretary of State in carrying out this section.

''(d) PUBLICATION.—The Secretary of State shall publish—

''(1) a list of candidate countries not later than 6 months after the date of the enactment of the Improving America's Security Act of 2007, and annually thereafter; and

''(2) an amendment to the list described in paragraph (1) at the time any country qualifies as a candidate country due to special circumstances under subsection (b)(1)(C).''.

(2) RULEMAKING.—

(A) REQUIREMENT.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out the amendments made by this subsection.

(B) CONTENT.—The regulations promulgated pursuant to subparagraph (A) shall—

(i) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by paragraph (1)) and the spouse or child of the eligible alien to reside in a foreign country to work as a physician or other healthcare worker as described in subsection (a) of such section 317A for not less than a 12-month period and not more than a 24-month period, and shall permit the Secretary to extend such period for an additional period not to exceed 12 months, if the Secretary determines that such country has a continuing need for such a physician or other healthcare worker;

(ii) provide for the issuance of documents by the Secretary to such eligible alien, and such spouse or child, if appropriate, to demonstrate that such eligible alien, and such spouse or child, if appropriate, is authorized to reside in such country under such section 317A; and

(iii) provide for an expedited process through which the Secretary shall review applications for such an eligible alien to reside in a foreign country pursuant to subsection (a) of such section 317A if the Secretary of State determines a country is a candidate country pursuant to subsection (b)(1)(C) of such section 317A.

(3) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) DEFINITION.—Section 101(a)(13)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(13)(C)(ii)) is amended by adding at the end the following: ''except in the case of an eligible alien, or the spouse or child of such alien, who is authorized to be absent from the United States under section 317A,''.

(B) DOCUMENTARY REQUIREMENTS.—Section 211(b) of such Act (8 U.S.C. 1181(b)) is amended by inserting '', including an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''101(a)(27)(A),''.

(C) INELIGIBLE ALIENS.—Section 212(a)(7)(A)(i)(I) of such Act (8 U.S.C. 1182(a)(7)(A)(i)(I)) is amended by inserting ''other than an eligible alien authorized to reside in a foreign country under section 317A and the spouse or child of such eligible alien, if appropriate,'' after ''Act,''.

(D) NATURALIZATION.—Section 319(b) of such Act (8 U.S.C. 1430(b)) is amended by inserting ''an eligible alien who is residing or has resided in a foreign country under section 317A'' before ''and (C)''.

(E) CLERICAL AMENDMENT.—The table of contents of such Act is amended by inserting after the item relating to section 317 the following:

''Sec. 317A. Temporary absence of aliens providing health care in developing countries''.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to United States Citizenship and Immigration Services such sums as may be necessary to carry out this subsection and the amendments made by this subsection.

(h) ATTESTATION BY HEALTH CARE WORKERS.—

(1) ATTESTATION REQUIREMENT.—Section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)) is amended by adding at the end the following:

''(E) HEALTH CARE WORKERS WITH OTHER OBLIGATIONS.—

''(i) IN GENERAL.—An alien who seeks to enter the United States for the purpose of performing labor as a physician or other health care worker is inadmissible unless the alien submits to the Secretary of Homeland Security or the Secretary of State, as appropriate, an attestation that the alien is not seeking to enter the United States for such purpose during any period in which the alien has an outstanding obligation to the government of the alien's country of origin or the alien's country of residence.

''(ii) OBLIGATION DEFINED.—In this subparagraph, the term 'obligation' means an obligation incurred as part of a valid, voluntary individual agreement in which the alien received financial assistance to defray the costs of education or training to qualify as a physician or other health care worker in consideration for a commitment to work as a physician or other health care worker in the alien's country of origin or the alien's country of residence.

''(iii) WAIVER.—The Secretary of Homeland Security may waive a finding of inadmissibility under clause (i) if the Secretary determines that—

''(I) the obligation was incurred by coercion or other improper means;

''(II) the alien and the government of the country to which the alien has an outstanding obligation have reached a valid, voluntary agreement, pursuant to which the alien's obligation has been deemed satisfied, or the alien has shown to the satisfaction of the Secretary that the alien has been unable to reach such an agreement because of coercion or other improper means; or

''(III) the obligation should not be enforced due to other extraordinary circumstances,

including undue hardship that would be suffered by the alien in the absence of a waiver.''.

(2) EFFECTIVE DATE; APPLICATION.—

(A) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(B) APPLICATION BY THE SECRETARY.—Not later than the effective date described in subparagraph (A), the Secretary shall begin to carry out subparagraph (E) of section 212(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(5)), including the requirement for the attestation and the granting of a waiver described in clause (iii) of such subparagraph (E), regardless of whether regulations to implement such subparagraph have been promulgated.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on June 6, 2007, at 10 a.m., to conduct a hearing entitled ''Paying for College: The Role of Private Student Lending.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet in order to conduct a business meeting during the session of the Senate on Wednesday, June 6, 2007 at 10 a.m. in Room 406 of the Dirksen Senate Office Building.

The business meeting will consider the following agenda:

S. 506, the High Performance Green Buildings Act of 2007;

H.R. 1195, SAFETEA–LU Technical Corrections Act;

H.R. 798, a bill to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy;

S. 635, the Methamphetamine Remediation Research Act of 2007;

S. 1523, the Capitol power plant carbon dioxide emissions reduction demonstration project bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, June 6, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on ''Trade and Globalization: Adjustment for a 21st Century Workforce.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. KENNEDY. Mr. President, I ask unanimous consent that Senate Committee on the Judiciary be authorized to meet to conduct a hearing entitled ''Patent Reform: The Future of American Innovation'' on Wednesday, June 6, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness list

Panel I: The Honorable Jon W. Dudas, Undersecretary of Commerce for Intellectual Property Director of the U.S. Patent and Trademark Office, Department of Commerce, Alexandria, VA;

Panel II: Mr. Bruce G. Bernstein, Chief Intellectual Property and Licensing Officer, InterDigital Communications Corporation, King of Prussia, PA; Ms. Mary Doyle, Senior Vice President, General Counsel and Secretary, Palm, Inc., Sunnyvale, CA; Mr. John A. Squires, Chief Intellectual Property Counsel, Goldman, Sachs & Co., New York, NY; Ms. Kathryn L. Biberstein, Senior Vice President, General Counsel and Secretary, and Chief Compliance Officer, Alkermes, Inc., Cambridge, MA.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mr. KENNEDY. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, June 6, 2007 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the impacts of climate change on water supply and availability in the United States, and related issues from a water use perspective.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that floor privileges be granted to Julie Blanks, a legislative fellow in my office, for the remainder of today's session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from Texas, Mrs. HUTCHISON, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference for the first session of the 110th Congress.

RECOGNIZING THE EFFORTS AND CONTRIBUTIONS OF THE MEMBERS OF THE MONUMENTS, FINE ARTS, AND ARCHIVES PROGRAM UNDER THE CIVIL AFFAIRS AND MILITARY GOVERNMENT SECTIONS OF THE UNITED STATES ARMED FORCES

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 223, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 223) recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WHITEHOUSE. Mr. President, 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. 223) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 223

Whereas the United States Government established the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas in 1943 to promote and coordinate the protection and salvage of works of art and cultural and historical monuments and records in countries occupied by Allied armies during World War II;

Whereas the American Commission for the Protection and Salvage of Artistic and Historic Monuments in War Areas is also known as the Roberts Commission, in honor of its chairman, Supreme Court Justice Owen J. Roberts;

Whereas, in connection with the establishment of the Roberts Commission, the Monuments, Fine Arts, and Archives program (MFAA) was established under the Civil Affairs and Military Government Sections of the United States Armed Forces;

Whereas the establishment of the Roberts Commission and the MFAA provided an example for other countries, working in conjunction with the United States, to develop similar programs, and more than 100 foreign MFAA personnel, representing at least seventeen countries, contributed to this international effort;

Whereas the MFAA was comprised of both men and women, commissioned officers and civilians, who were appointed or volunteered to serve as representatives of the Roberts Commission and as the official guardians of some of the world's greatest artistic and cultural treasures;

Whereas members of the MFAA, called the ''Monuments Men'', often joined frontline military forces and some even lost their lives in combat during World War II;

Whereas, during World War II and for years following the Allied victory, members of the MFAA worked tirelessly to locate, identify, catalogue, restore, and repatriate priceless works of art and irreplaceable cultural artifacts, including masterpieces by Da Vinci, Michelangelo, Rembrandt, and Vermeer, that had been stolen or sequestered by the Axis powers;

Whereas the heroic actions of the MFAA in saving priceless works of art and irreplaceable cultural artifacts for future generations cannot be overstated, and set a moral precedent and established standards, practices, and procedures for the preservation, protection, and restitution of artistic and cultural treasures in future armed conflicts;

Whereas members of the MFAA went on to become renowned directors and curators of preeminent international cultural institutions, including the National Gallery of Art, the Metropolitan Museum of Art, the Museum of Modern Art, the Toledo Museum of Art, and the Nelson-Atkins Museum of Art, as well as professors at institutions of higher education, including Harvard University, Yale University, Princeton University, New York University, Williams College, and Columbia University;

Whereas other members of the MFAA were founders, presidents, and members of associations such as the New York City Ballet, the American Association of Museums, the American Association of Museum Directors, the Archaeological Institute of America, the Society of Architectural Historians, the American Society of Landscape Architects, the National Endowment for the Humanities, and the National Endowment for the Arts, as well as respected artists, architects, musicians, and archivists; and

Whereas members of the MFAA have never been collectively honored for their service and contributions to humanity, and they are deserving of the utmost acknowledgment, gratitude, and recognition, in particular the 12 known Monuments Men who are still alive: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the men and women who served in the Monuments, Fine Arts, and Archives program (MFAA) under the Civil Affairs and Military Government Sections of the United States Armed Forces for their heroic role in the preservation, protection, and restitution of monuments, works of art, and other artifacts of inestimable cultural importance in Europe and Asia during and following World War II;

(2) recognizes that without their dedication and service, many more of the world's artistic and historic treasures would have been destroyed or lost forever amidst the chaos and destruction of World War II;

(3) acknowledges that the detailed catalogues, documentation, inventories, and photographs developed and compiled by MFAA personnel during and following World War II have made and continue to make possible the restitution of stolen works of art to their rightful owners; and

(4) commends and extols the members of the MFAA for establishing a precedent for action to protect cultural property in the event of armed conflict, and by their action setting a standard not just for one country, but for people of all nations to acknowledge and uphold.

ORDERS FOR THURSDAY, JUNE 7, 2007

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., later today, Thursday, June 7; that later today, on Thursday, 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 the Senate then resume consideration of S. 1348 and there then be an hour of debate equally divided and controlled between the two leaders or their designees for debate to run concurrently with respect to the Coburn amendment No. 1311, as modified, and the motion to invoke cloture on the substitute amendment; that no amendments be in order to the Coburn amendment prior to the vote; and that upon the use or yielding back of time, the Senate proceed to vote in relation to the Coburn amendment No. 1311, as modified; that upon disposition of the Coburn amendment, without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment; that Members have until 10:30 a.m. to file any germane second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WHITEHOUSE. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:41 a.m., adjourned until Thursday, June 7, 2007, at 10 a.m.

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate of January 9, 2007:

*MICHAEL W. TANKERSLEY, OF TEXAS, TO BE INSPECTOR GENERAL, EXPORT-IMPORT BANK.

*NOMINEE HAS COMMITTED TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO FORMER CONGRESSMAN EARL LEE HOGAN

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. HILL. Madam Speaker, on Sunday night, June 3, 2007, the U.S. House of Representatives lost one of its own, a distinguished gentleman from Southern Indiana. Former Congressman Earl Lee Hogan passed away Sunday evening, leaving behind a notable career of public service to Hoosiers. Born in 1920 in Hope, Indiana, Earl Hogan represented the Ninth District of southern Indiana from 1959 to 1961. As a young man, Congressman Hogan served his country as a bombardier on a B–17 in the Air Force, from 1940 to 1945. During his Air Force career, he was awarded the Distinguished Flying Cross, Purple Heart, and Air Medal with three oak leaf clusters. Congressman Hogan had a long career in law enforcement in Bartholomew County, serving first as deputy sheriff and then sheriff. Following his congressional service, Congressman Hogan took several positions focusing on rural development and agricultural issues. I thank Congressman Hogan and his family for their commitment and dedication to public service and all that they have given to the people of Southern Indiana. Congressman Hogan will be missed, but he leaves behind a record of service that speaks volumes about this honorable man.

BENJAMIN JAMES DUDDY FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Benjamin Duddy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 444, and by earning the most prestigious award of Eagle Scout.

Benjamin has been very active with his troop, participating in many Scout activities. Over the years Benjamin has been involved in Scouting, he has earned 28 merit badges and held numerous leadership positions, serving as Assistant Senior Patrol, Den Chief, and Troop Scribe. Ryan is also a member of the Tribe of Mic-O-Say. His tribal name is Little Silent Stalking Snowy Owl. Ben is also a Brotherhood member of the Order of the Arrow.

For his Eagle Scout project, Benjamin constructed over 160 feet of fencing around a fishing pond. This safety fencing was erected to allow handicapped campers access to enjoy the pond and minimize the danger of accidentally entering the water. The project included distribution of 4 tons of gravel and reconstructing trail access to the pond. All of Benjamin's hard work took place at the Tall Oaks Youth Camp in Linwood, Kansas.

Madam Speaker, I proudly ask you to join me in commending Benjamin Duddy for his accomplishments with the Boy Scouts of America and achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. OBERSTAR. Madam Speaker, last month the House of Representatives voted on important legislation including VA health care bills, lobbying reform legislation, and amendments to the fiscal year 2007 supplemental appropriations bill.

During the consideration of these bills, I was in Minnesota to attend the funeral Mass for my uncle, Frank Oberstar.

Had I been present, I would have voted ''nay'' on the motion to recommit to H.R. 1100 (rollcall vote 408); I would have voted ''aye'' on H.R. 1100 (rollcall vote 409); I would have voted ''aye'' on H.R. 67, ''Veterans Outreach Improvement Act'' (rollcall vote 410); I would have voted ''aye'' on H.R. 612, ''Returning Servicemember VA Healthcare Insurance Act'' (rollcall vote 411); I would have voted ''aye'' on H.R. 1470, ''Chiropractic Care Available to All Veterans Act'' (rollcall vote 412); I would have voted ''aye'' on H.R. 2199 ''Traumatic Brain Injury Health Enhancement and Long-Term Support Act'' (rollcall vote 413); I would have voted ''aye'' on H.R. 2239, ''Early Access to Vocational Rehabilitation and Employment Benefits Act'' (rollcall vote 414).

I would have voted ''aye'' to order the previous question on H. Res. 427 (rollcall vote 415); I would have voted ''aye'' to approve H. Res. 427 (rollcall vote 416). I would have voted ''aye'' to order the previous question on H. Res. 438 (rollcall vote 417), and I would have voted ''aye'' on H. Res. 438 (rollcall vote 418).

I would have voted ''nay'' on the Smith motion to recommit with instructions on H.R. 2317 (rollcall vote 419); I would have voted ''aye'' on passage on H.R. 2317 (rollcall vote 420); I would have voted ''aye'' on the Conyers amendment to H.R. 2316 (rollcall vote 421); I would have voted ''aye'' on the Chabot motion to recommit with instructions on H.R. 2318 (rollcall vote 422); I would have voted ''aye'' on passage on H.R. 2316 (rollcall vote 423).

Because of my strong support for important and necessary funding for VA health care; necessary assistance for the Gulf region and U.S. farmers, and my support for an increase in the minimum wage, I would have voted ''aye'' on House Amendment 1 to H.R. 2206, the fiscal year 2007 supplemental appropriations bill (rollcall vote 424. Because House Amendment 2 to H.R. 2206 failed to provide reasonable accountability provisions to measure the Administration's Iraq policy, I would have voted ''nay'' on rollcall 425.

TRIBUTE TO MR. KIRTI DESAI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. PALLONE. Madam Speaker, I would like to take the time to recognize the most recent achievement of an outstanding member of the New Jersey community, Mr. Kirti Desai. In a ceremony on Ellis Island on Saturday May 12, 2007, NECO presented Mr. Desai with the Ellis Island Medal of Honor.

The Ellis Island Medal of Honor recognizes individuals from diverse ethnic backgrounds who have successfully maintained their cultural heritage and traditions while making outstanding achievements in their communities, personal lives, and professional endeavors. Since 1986 the Ellis Island Medal of Honor has been sponsored by NECO, a non-profit organization with a mission ''to honor our diverse Past, to advocate for positive change in the Present, and to build strong leaders for the Future.''

For over twenty years U.S. Presidents, artists, athletes, businessmen, entrepreneurs, and humanitarians have been recognized with this prestigious award. In receiving this award, Mr. Desai ranks among an impressive list of past medalist recipients ranging from former President Bill Clinton to famed athlete Muhammad Ali. With his own list of notable achievements, Mr. Desai is well deserved in finding a place among these outstanding Americans.

Mr. Kirti Desai, better known as Kenny, is the President, CEO, and founder of TAK Group of Companies. With a Master's Degree in Civil Engineering from Stevens Institute of Technology, a hard-work ethic, and unstoppable determination, Mr. Desai built his business from the ground up. Mr. Desai continued to expand his business into a conglomerate encompassing an increasing number of markets, eventually forming TAK Construction, TAK International, TAK Realty and Investment Company, and Sycamore Manor.

While it is one thing to establish a business, it is quite another to receive continuous recognition for its quality and success. In this regard, Mr. Desai's companies have been recognized with the New York and New Jersey Port Authority's Construction Company of the Year Award and SBA Construction Award from Washington, D.C. under the Clinton Administration. Successful businesses such as these result from exceptional qualities of the individuals behind them.

As an active member of a number of various philanthropic organizations, Mr. Desai is as relentless in his commitment to his community as he is to his business companies. Somewhere between managing his business

enterprises and raising three children, Mr. Desai is a leader in cultural and educational institutions including serving as a Director and Board member of the Bharitya Vidya Bhavan; the Chairman of the Indian Culture Society of Union, New Jersey, and the President of Vraj. He has even been involved in aiding the completion of the Mahatma Gandhi Center and Hindu Temple in Wayne, New Jersey.

The New Jersey State Assembly and the Township of Clark, New Jersey have already written proclamations acknowledging Mr. Desai's remarkable achievements in his life. It is only fitting that I now also acknowledge Mr. Desai's most recent recognition. I would like to thank Mr. Desai for his contributions to the New Jersey community and congratulate him on this Ellis Island Medal of Honor.

A TRIBUTE TO BOYS AND GIRLS CLUBS OF PASADENA

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Boys and Girls Clubs of Pasadena, which will be celebrating its 70th anniversary this year. For the past 70 years, the Boys and Girls Clubs of Pasadena have remained committed to their motto of ''Caring for our future, one child at a time.''

Incorporated in 1937, the Boys Club of Pasadena, a member of the national organization, Boys Clubs of America, began by serving a Christmas dinner for 200 underprivileged boys in a rented space in Pasadena.

By 1953, the Boys Club membership had reached 4659, a drastic increase from 560 only ten years earlier. In the early 1960s, several milestones were achieved; the Boys Club acquired its own property, joined United Way of Los Angeles and received the National Program Award for Excellence for its Science Series Program.

Continuing to expand its services, the 1970s saw the Boys Club of Pasadena acquiring the Slavic Branch in Pasadena, becoming Pasadena's sponsor of the Summer Hot Lunch Program for Children, which served over 400 meals daily to club members, and the Boys Club Scholarship Program was formally established to aid young people with vocational, educational or fine arts pursuits.

The Boys Club of Pasadena opened the first childcare facility operated for pre-school children by any Boys Club. The Mackenzie/Scott Child Development Center opened in 1989 and was licensed by State of California for 88 preschool children. In 1990, the Center was accepted into the State of California Food Program and was formerly recognized by the City of Pasadena for excellence in child care.

In 1990, after the Boys Clubs of America changed its name to Boys and Girls Clubs of America, the Boys Club of Pasadena changed its name to the Boys and Girls Clubs of Pasadena.

Hilary Crahan became Executive Director of the Boys and Girls Clubs of Pasadena in 2004 and under her leadership the club has continued to emphasize both formal and informal education. Currently, over 7200 children participate at the five sites: Slavik Branch, the Mackenzie-Scott Branch, the Scott Child Care Center, the Performing Arts Center, and the Orange Grove Learning Center. The more than fifty academically enriching programs include music and arts education, sports, technology training, leadership classes, and tutoring in math, English, and science.

It is my pleasure to honor the Boys and Girls Clubs of Pasadena on their anniversary of 70 years of dedicated service to the youth in the 29th Congressional District. I ask all members to join me in commending their efforts.

TRIBUTE TO CAPTAIN PETER BOYNTON

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ISRAEL. Madam. Speaker, I rise today to honor Captain Peter Boynton. Captain Boynton will retire on June 1, 2007 after serving as Commander of Sector for the Long Island Sound, headquartered in New Haven, Connecticut, since June, 2004. Captain Peter Boynton has displayed a stalwart dedication to the safety and well-being of all those who travel on his waters and coastline for years. The Long Island Sound Sector includes 16 field units in Connecticut and on Long Island with 490 active duty military and civilians, 180 reservists and 1,800 volunteers with the Coast Guard Auxiliary. In his position as Captain, Boynton has been responsible for port safety and security, search and rescue, marine inspection and pollution response in Connecticut, Long Island and waters 200 miles offshore.

Captain Boynton has spent 10 years at sea on six Coast Guard cutters including the icebreaker Mackinaw, the cutter Spencer and the tall ship Eagle. He has commanded three cutters; Escanaba in Boston, Ocracoke in Puerto Rico, and Cape Morgan in Portland, Maine. His seagoing service includes spending five winters patrolling Georges Bank in the Gulf of Maine, and his Ocracoke crew seizing 23 tons of marijuana and 2 tons of cocaine in the Caribbean Sea.

Captain Boynton served at the White House as the Director for Global Affairs on the National Security Council staff, coordinating national policy for drug interdiction and migrant smuggling. He was also the senior Coast Guard liaison at the Department of State, coordinating international Coast Guard operations with the diplomatic community. He served as the Chief of Intelligence on a multi-agency drug task force in New York City.

Captain Boynton holds a Master's Degree in Public Administration from Harvard's Kennedy School of Government, and an Ocean Engineering degree from the Coast Guard Academy. Captain Boynton holds an unlimited Master's License in the Merchant Marine. His military awards include the Legion of Merit, Meritorious Service Medal and Presidential Service Badge.

Captain Boynton has always gone above and beyond the call of duty, specifically when it comes to paying the utmost personal attention to the questions and concerns of the community. He has built a reputation for listening to problems, answering questions, and finding solutions. He has done an excellent job protecting the people who travel on the Long Island Sound by being accessible to hearing and responding to their needs. I applaud Captain Peter Boynton for his contributions and dedication to the United States Coast Guard and the Long Island Sound.

PRAISING LT. GOVERNOR DAVID PATERSON'S COMMITMENT TO MINORITY AND WOMEN-OWNED BUSINESSES IN NEW YORK STATE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. RANGEL. Madam Speaker, I rise today to bestow praise to Lt. Governor David Paterson of the great state of New York for his commitment to empowering Minority and Women-Owned Businesses (MWBE). His initiative to start this dialogue has shown the lack of contracts that MWBEs receive from the major agencies and authorities in the state. Lt. Governor Paterson's leadership in this initiative will help to improve procurement practices in New York State by ensuring that MWBEs receive contracts that they are fully capable of performing.

Lt. Governor David Paterson's commitment to MWBEs will benefit businesses throughout the state just as the Upper Manhattan Empowerment Zone has done for business development, jobs, educational and health programs, and social services in Harlem, East Harlem, Washington Heights and Inwood. Today I enter into the RECORD an article published by the New York CaribNews highlighting the efforts of Lt. Governor Paterson for the advancement of MWBEs in New York State.

[From the New York CaribNews, May 15, 2007]

LT. GOVERNOR PUSHES AGENDA TO BENEFIT MINORITY & WOMEN-OWNED BUSINESSES

ALBANY, NY.—Taking an important step in fulfilling a campaign pledge to usher in a new era of accountability in the area of state government utilization of Minority and Women Owned Businesses, Lt. Governor David Paterson convened a meeting of executives from the state's major agencies and authorities. This historic gathering of state decision makers was part of a mandate issued in an Executive Order signed by Governor Eliot Spitzer on February 18th which, among other things, establishes an executive Leadership Council to examine state procurement practices and increase the utilization of qualified MWBE's.

Lt. Governor Paterson, who is leading the state's efforts to improve its MWBE program told Executive Leadership Council members, ''Last year the state spent over $11 billion in discretionary expenditures and MWBEs only received 3% of state contracts. This administration will reserve the negative inertia of the past 12 years and push to build the capacity of MWBE firms and increase the utilization of qualified MWBEs.''

After laying out the vision for the new MWBE initiative, MWBE Development Executive Director Michael Jones-Bey explained the purpose of the Executive Leadership Council sating that, ''This will be a forum to discuss best practices for implementation of procurement policies. It is also a means to hold agency executives accountable for compliance with state MWBE procurement laws.''

For many in attendance the highlight of the meeting was where agency executives made their presentations. Each executive delivered a PowerPoint presentation reporting their agency's previous quarterly utilization of MWBEs for expenditures in the areas of construction, construction consulting, commodities, and services. This was followed by a presentation of their goals. This unprecedented public airing of MWBE agency performance was followed by a general group discussion of ways to tackle some of the common problems encountered by agency executives.

TRIBUTE TO DR. JACOB EAPEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Jacob Eapen on being the 2007 recipient of the Ellis Island Medal of Honor. Dr. Eapen, a resident of Fremont, California, is a pediatrician who has spent countless hours through the years in community service. When he hasn't been serving on various boards in or near Fremont, he has provided medical assistance statewide and overseas. He has spent more than 25 years giving back to a world too often in need.

His endless work has earned him local, state and national recognition. His most recent award, the Ellis Island Medal of Honor, is a prestigious honor given annually by the New York-based National Ethnic Coalition of Organizations. The medal celebrates the immigrant experience and seeks to honor Americans from a wide variety of backgrounds for their positive and lasting imprint on society.

In previous years, the medal has been awarded to six U.S. presidents; courageous heroes who created positive social change such as Rosa Parks and Elie Wiesel and athletes, including Muhammad Ali. He is one of just six Indo-Americans and one of 12 Californians to receive the Ellis Island Medal of Honor this year.

Dr. Eapen was born in Trivandrum, Kerala, in southern India where he grew up and received his medical degree. He earned his master's degree in public health from the University of California, Berkeley. He spent five years in Sub-Saharan Africa as a teacher and physician. He recalls his days in Africa where he would arrive at the medical clinic at 8 a.m. and find 150 people waiting in line for medical help, including some who had walked for hours. This experience fueled his passion to value life and to make a difference in the lives of others.

He is currently an elected member of the Washington Hospital board of directors and works as a practicing pediatrician in Newark with Alameda County Health Services. Dr. Eapen has previously served as a board member of the Association of California Healthcare Districts, medical director of a local health care clinic, Alameda County public health commissioner, U.N. high commissioner for refugees in the Philippines, and as an adviser to Alameda County's Every Child Counts Commission. In 2004, he received the Medical Board of California's First Physicians award.

I join Dr. Eapen's friends and admirers in congratulating him on receiving his most recent award, the Ellis Island Medal of Honor. It is well deserved and a fitting symbol of his endless commitment and contributions to make a better life for others.

TRIBUTE TO RICHARD PATTENAUDE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MICHAUD. Madam Speaker, I rise today to congratulate Richard Pattenaude on the occasion of his being named chancellor of Maine's public university system, after 16 years of dedicated service to the University of Southern Maine. Richard's service to USM was extraordinary, and I join his many friends, coworkers and the students he taught in wishing him the best of luck in the next phase of his career.

Richard's service to public education began in 1972, when he took a job teaching political science at Colorado State University. His service to Maine's educational system began in 1991 when he became president of the University of Southern Maine.

Under his leadership, the University grew substantially in the classroom. Richard helped to add 12 new undergraduate, 5 masters and 2 doctorate programs to the course catalog, he rewrote the University's mission statement, and he led in the creation of the University's first and second strategic plans. Richard's influence extended beyond the classroom, however, and he made major contributions to improve USM's campus. He constructed over 75 million dollars worth of state of the art buildings and created more than 12 educational institutes—including the Multi-Cultural Student Center and the Center for Entrepreneurship—which responded to community needs.

Richard was truly successful in living up to his motto during his time with Southern Maine—he "worked hard, did well, had fun." His leadership as the University's president will be missed, but the school can rest assured knowing he will still be working diligently to make Maine's public university system better for future generations of students.

IN TRIBUTE TO LIEUTENANT GENERAL DONALD J. WETEKAM

HON. JIM MARSHALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MARSHALL. Madam Speaker, I rise today as co-Chair of the Air Force Caucus to honor Lieutenant General Donald J. Wetekam, Deputy Chief of Staff for Installations and Logistics, for his long and exceptionally distinguished military career.

General Wetekam entered the Air Force in June 1973 after graduating from the U.S. Air Force Academy. A career logistics officer, Don has commanded three maintenance squadrons, a logistics group and a logistics center. He has served staff tours at both major command and Air Staff levels, and served as Chairman, Army and Air Force Exchange Service Board of Directors.

General Wetekam was responsible for leadership, management and integration of Air Force civil engineering, security forces, logistics readiness, supply, transportation, and aircraft and missile maintenance, as well as setting policy and preparing budget estimates that reflect enhancements to productivity, combat readiness and quality of life for Air Force people.

Most importantly for the state of Georgia, General Wetekam served as Commander, Warner Robins Air Logistics Center, Robins AFB from 2002–2004. I watched as he created an excellent team atmosphere that led to use of LEAN and the introduction of unprecedented efficiencies at Robins. This model was the precursor to such efficiencies throughout the Air Force, culminating with Air Force Smart Operations for the 21st Century (AFSO 21).

Finally, Madam Speaker, I should note for the record that, although he has received numerous military awards, Don's Blues Brothers imitation is rumored to be quite special. A mutual friend told me it's the best he's ever seen, particularly the dance routine in "the very small, black pants." But that same friend added that he'd seen the routine twice, which was "to be honest, one time too many." So I'd guess Don's second career won't stray too far from his current day job. No doubt he will maintain his interest in running and NASCAR. He and his wonderful wife Sherrie are community-oriented folks who are involved in various charities. I hope they settle in Middle Georgia where they will always be welcome. If they do, I'll run with Don, maybe catch some NASCAR but certainly skip the Blues Brothers.

RECOGNIZING MILDRED AND LESTER GUDGELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize two outstanding constituents of Missouri's 6th Congressional District: Mildred and Lester Gudgell of Meadville, Missouri. Mildred and Lester will celebrate their 60th Wedding Anniversary on June 7, 2007.

Mildred and Lester were married on June 7, 1947 in Trenton, Missouri. They have raised five children: Nancy, Peggy, Benny, Paul and Ray, who is now deceased.

Mildred and Lester Gudgell have been outstanding citizens of Meadville and Northwest Missouri. They are dedicated and active members of their community.

Madam Speaker, I proudly ask you to join me in recognizing Mildred and Lester Gudgell. Their marriage of 60 years is inspirational, and I am honored to represent them in the United States Congress.

HONORING THE NATIONAL ASSOCIATION OF LETTER CARRIERS

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise to recognize and honor the National Association of Letter Carriers (NALC) Branch 70 for receiving

the Volunteer Dedication Award given by The San Diego-Imperial Counties, AFL–CIO.

NALC Branch 70 was chartered in 1970, and has had a tradition of volunteering for charities, food drives, and legislative actions.

Unfortunately, due to the Hatch Act of 1939, the working letter carrier was prevented from taking any significant volunteer role in partisan political campaigns until 1993 when the Hatch Act was reformed.

NALC Branch 70, the United States Postal Service (USPS), along with the help of many other unions work together every year (on the 2nd Saturday of May) to collect food from our customers for those in our communities who are in need. This year will mark the 15th anniversary of the NALC Food Drive.

In 1982 the NALC Branch 70 and the USPS established a national program called Carrier Alert, of which Branch 70 is a member. This program, in simple terms, allows elderly and disabled customers to sign up for special attention from their letter carriers. When letter carriers suspect there is trouble they report it. One phone call could save a life; and in fact, lives have been saved through this program. The neighborhood letter carrier is always eager to help monitor the well-being of their customers. It is what letter carriers across the Nation do every day, with or without a formal program.

NALC Branch 70 and the USPS once a year also work with the Lions Club International by collecting eye glasses which are used to distribute to the poor throughout the world and was awarded the International Order of The Lion in 2005 by the Lions Club.

NALC Branch 70 understands it is not just about working together to help their own union, but working together with others so that everyone can have a better life. This is why the NALC Branch 70 is such a proud and distinguished member of the San Diego-Imperial Counties Labor Council.

IN HONOR OF THE STUDENT GRADUATES OF PARAMUS' D.A.R.E. PROGRAM AT WEST BROOK MIDDLE SCHOOL

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, today, the Paramus Police Department will hold its D.A.R.E. graduation ceremony with the students of West Brook Middle School. More than 150 students are participating in this important program that gives young people the support they need to say no to drugs, underage drinking, and gang violence.

Drug Abuse Resistance Education, or D.A.R.E., began as a small program in Los Angeles in 1983. Today, it is implemented in more than 75 percent of our Nation's school districts and in more than 43 other nations. It uses positive peer pressure to help children defeat the negative cultural influences that bombard them daily.

I am proud of the young boys and girls who participated in this program at West Brook Middle School, and I would like to recognize them all for taking this step toward positive citizenship:

Breanne Babin, Nicole Becker, Tamar Beylerian, Isabella Blanco-Rivas, Nicholas Bushman, Julia Castronovo, Deborah Daoud, Arnold De Masi, Anthony Gallo, Tiffany Hsiung, Alisha Jadhav, Stephen McGuire, Lauren Mihalik, Christina Muller, Hayley Niland, Aisling O'Connor, Justin Ordonez, Jacqueline Paizis, Kevin Perusse, Kimberly Portes, Nicholas Ruso, Zacky Sungkar, Daniel Toppo, Maxwell Wagner, Matthew Warren, Nadia Admani, Christopher Akdemir, Emily Aranda, Varun Bhatt, Miranda Campbell, Gabriel Cepeda, Divya Dasani, Nadine Haddad, Connor Hagen, Noel Hodgins, Brittany Hovan, Kwon-Sung Jung, Kathleen McGee, Leah Paterno-Olivari, Michael Piquero, Brian Polsky, Diego Ramirez, Michael Rullis, Akari Saito, Amitoj Sawhney, Nicole Sicari, Victoria Stabile, Nicole Tomic, Mimi Tsang, Alok Vaidya, Shefalee Vohra, Brandon Birdsall, Diana Blanco, Nicholas Bucci, Ryan Bucci, Steven Carrescia, Justin Cochran, Mark Cristaldi, Rebekah Daniel, Joseph Dobrowolski, Aleah Dotson, David Elhananov, Zinath Froogh, Michelle Kim, Emil Lopez, Carla Nilo, Yusuke Oshimizu, Daniel Paolazzi, Rachel Rigolosi, Eric Rosenzweig, Erika Soto, Athanasios Stepas, Michael Thompson, Gregory Vaks, Zachary Yabroudy, Priyanka Abraham, Jafar Ali, Alexandra Arrighi, Matthew Askling, Nicole Cagar, Alex Castro, Jesse Christie, Tyler Deas, Nicholas Delgiorno, Ariana Dellosa, Nina Fiorilla, Dean Fujita, Oscar Gonzales, James Hallihan, Nikolaos Haralambakis, Max Hopkins, Zalaikha Javed, Sofia Koutsoumbis, Matthew Lahanas, Lindsey Lucas, Kayla Mees, Janki Patel, Zachary Reuveni, Ryan Rivera, Liridona Shala, Pratyusha Valiveti, Matthew Alpher, Jason Back, Parita Bhanderi, Thomas Bores, Brooke Bukowski, Randy Casallas, Harold Choo, Matthew DeMatteo, Julia Deutlmoser, Jana Devaney, Margaret Doyle, Joseph Faris, Laura Heckelmann, Daniel Heidt, Yurina Iijima, Farah Kiki, Michelle Kim, Elyse Krupinski, Maya Peterson, Victoria Petruzzella, Victoria Poplaski, Justine Rizzitello, Adam Ron, Daniel Schauer, Emad Tirmizi, Kevin Tirpanciyan, Lakhini Vyas, George Ayob, Jr., Shannon Barile, Tiffany Buchen, Francis Ciambrone, Alexandra Cooney, Julia Cuomo, Alyssa De Clemente, Julia Dellosa, Erika Dipasquale, Jessica Goldman, Jessica Hazuda, Nicole Huaman, Sundesh Kodali, Kimberly La Vecchia, Matthew Lemash, Brian Monticello, Timothy Moran, Deanna Napoli, Shivam Raikundalia, Raquel Riggitano, Jacob Roth, Nicholas Salemme, Karan Shah, Zainab Shahsamand, Donovan Spivey, Carly Turton, Shawn Abraham, Joseph Akdemir, Asha Babu, Rachel Buchbinder, Allison Chang, Daniel Chen, John Chinchar, Inderpreet Dhaliwal, Lindsay Diamond, John Diaz, Sky Digirolamo, Stephanie Edelstein, Julia Gerogiannis, Michael Kim, Gina Kisley, Joseph Lee, Daisy Lee, Grace Lim, Annika Nungra, Alyssa Nungra, John Piccinich, Abraar Quraishi, Alexa Salinardi, Alexander Shater, Courtney Smallze, Rebecca Song, Ashlin Twardzik, Parth Vaidya.

TRIBUTE TO FAYE COWART

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mrs. Faye Cowart. Mrs. Cowart has served the community for 38 years as a leader in the area of public education. As an outstanding educator in the Los Angeles Unified School District since 1969, Mrs. Cowart has been dedicated to the promotion of student success and educational achievement.

Mrs. Cowart has been a long time resident of Altadena, CA, and began her career in education as a teacher in the Los Angeles School District. After teaching for several years, she served as a Title I Coordinator, Assistant Principal, and Compliance Coordinator in the Specially Funded Programs Branch. In each of these endeavors, she distinguished herself as a tireless advocate for improving the quality of education for all of our students.

I ask all Members to join with me in congratulating Mrs. Faye Cowart for her dedicated service and commitment to the promotion of quality education. I am sure that each person positively affected by Mrs. Cowart's service will also join me in wishing her much joy in the years to come and great thanks for her time, her energy, and her efforts.

DANIEL VINCENT WILLIAMS FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Daniel Vincent Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and by earning the most prestigious award of Eagle Scout.

Ross has been very active with his troop, participating in many Scout activities. For his Eagle Scout project, Ross's leadership helped to replace the wire fencing around the backstop and painting the poles of the Winston R–VI School baseball field. This completes the fifth Eagle Scout project that improves the baseball field.

Madam Speaker, I proudly ask you to join me in commending Daniel Vincent Williams for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING COUNCILLOR LEONARD F. O'LEARY OF SALEM, MASSACHUSETTS

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. TIERNEY. Madam Speaker, I rise today to honor Councillor Leonard F. O'Leary of Salem, MA. Councillor O'Leary recently announced that he would not be seeking reelection. It will be the first time since 1984 when

he was first elected as Councillor of Salem's Ward Four that the O'Leary name will not appear on the ballot.

Lennie honorably served twelve consecutive, two-year terms, and his twenty-four years on the Salem City Council rank him among the longest serving City Councillors in Salem's long and storied history. He earned the respect of his colleagues on the Council over the years as reflected by their electing him Council President on four occasions during his tenure.

Lennie's institutional knowledge made him a valuable resource on the Council as he served as Chair on all of the Council's committees, including the Finance Committee and Committee on Ordinances, Licenses and Legal Affairs. He also served as the longtime Council Liaison to the City's Board of Health. Councillor O'Leary served his country as a member of the National Guard from 1961–1967, and he took great pride in advocating in support of his fellow veterans while on the Council.

In his over two decade long Council career, Lennie was legendary in his devotion to his Ward Four constituents, and he provided them with reliable and responsive service. He kept them informed with regular neighborhood meetings and tended to their every need whether by filing measures to prohibit overnight parking of heavy vehicles in residential neighborhoods or meeting with engineers and DPW crews to make sure road work proceeded in a timely and reasonable manner. Lennie advocated tirelessly for his Ward Four neighbors appearing at hundreds of Board of Appeals, Planning Board, and Conservation Committee hearings to make sure their concerns had a voice and were heard. He was rewarded by support across his Ward that was broad and deep.

Lennie would be the first to admit that he did not do it all alone. He would tell you that he had good friends and that he had good fortune in working with four mayors and countless dedicated colleagues on the Council. However, most important to Lennie was the full and untiring support he received from his wife Mary, who often accompanied him to those late night Council and Board meetings. Mary provided counsel that he could trust.

This week in Salem, Lennie's colleagues, friends, neighbors, and family will gather to celebrate and thank Councillor Leonard F. O'Leary for 24 years of unselfish public service. It is a most appropriate and deserving recognition for someone who has given so much of himself to the City of Salem.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

SPEECH OF

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. ETHERIDGE. Mr. Speaker, I rise in support of this final legislation to provide emergency supplemental appropriations for Fiscal Year 2007. While this final compromise is not perfect, I will vote for it to provide necessary funds for our troops in the field as well as meet other important priorities.

This bill contains more funding than the President requested for military health care and veterans health care. It expresses the support of the U.S. Congress for a new direction in Iraq by tying economic aid to 18 specific benchmarks on political, security and economic progress, although it provides the President the waiver authority he negotiated before agreeing to sign the bill. This bill also includes the first raise in the minimum wage in a decade as well as critical funding for domestic needs like hurricane recovery efforts.

I will continue to work with my colleagues in Congress from both political parties as well as the President and the Administration to provide a new direction in Iraq and to meet the critical needs of the people of North Carolina's Second Congressional District.

H.R. 198 ''RECOGNIZING THE SIGNIFICANCE OF BLACK HISTORY MONTH''

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today in strong support of H.R. 198, which recognizes the significance of Black History Month.

Madam Speaker, it is easy to forget the past, especially a past that is so painful for so many. But I think we all recognize that the story of blacks in America is one that is truly uplifting and gives us the spirit to believe that any accomplishment is possible if we strive for it.

I want to take this opportunity today to talk about the black history that is too often ignored. Let me start by saying that we all revere the Reverend Dr. Martin Luther King. We love the leaders of the Civil Rights Movement. I am deeply grateful that this Nation has a day to honor Dr. King and that we have a Black History Month so that our children may understand the struggle that black Americans had to endure just to get to this point.

Madam Speaker, the history of blacks in America did not begin and end with the Civil Rights Movement. We need to remind everyone that the America we know today was built in substantial part by the skill, labor, intelligence, and determination of African Americans. These black pioneers succeeded despite the oppression they openly faced.

That's the history I want to talk about today. I want to talk about black Americans whose accomplishments have sometimes been overlooked. Their greatness in the face of adversity is what makes me so proud to be an African American.

So many oppressed people have had to surrender their souls, their hopes and their dreams because of the hardship they have been forced to face. However, black history is full of men and women who faced their hardships head on and refused to accept what they were told was their destiny. Instead, they instead looked at what they were given and dared to believe that not only could they improve upon it, but that they could strive for achievements almost unimaginable to any American. These great figures of black history are our past; they are our future. They are our compass as we move forward into this new generation.

I am proud to be a member of Congress representing the great State of Texas. In the 211 years of congressional history there have been 105 African American Members of Congress. We tend to think that before the Civil Rights Movement black Americans had no ability to represent themselves in government. Despite the tremendous obstacles of intimidation and harassment that were faced by black Americans who sought and won election to political office.

Hiram Rhodes Revels was the first African American member of Congress. During the Civil War, he helped organize Maryland's first two black regiments for the U.S. Army. In February 1870, he was elected from Mississippi to the United States Senate seat formerly held by Jefferson Davis. Hiram Rhodes Revels was in an extraordinary position, not only was he the first African American in Congress only a few years after the Civil War had ended, but he was representing a State where black men had only been in positions of servitude.

His seat in the Senate did not come without great controversy; a great debate arose in the Senate as to whether a man of color was entitled to a seat in our Nation's legislative body. However, it was the great Senator Charles Sumner of Massachusetts who made the closing argument for Revels' admission, declaring: ''All men are created equal, says the great Declaration, and now a great act attests to this verity. Today we make the Declaration a reality.''

During his time in the Senate, Hiram Revels voted to forgive officials from the secessionist States, who had broken their oaths to uphold the Constitution, as he made great efforts to unite a war-torn Nation. After leaving the Senate, Revels returned to Mississippi, where he became the founding president of Alcorn College. His life was one of tremendous achievement against the backdrop of the turbulent Reconstruction era.

Almost 100 years after Hiram Rhodes Revels was elected to the U.S. Senate, Shirley Chisholm became the first African American woman elected to Congress, when she was elected to represent New York's Twelfth Congressional District in 1968 running on the slogan, ''Fighting Shirley Chisholm—Unbought and Unbossed.''

She reflected that spirit well during her 14 years in Congress. During her first term she spoke out for civil rights, women's rights, and the poor and against the Vietnam War. Her first term in Congress was set against the backdrop of the Civil Rights Movement and the women's movement for equal rights.

Shirley Chisholm had an understanding that during those turbulent times the nation required a determined leader to represent the voice of so many Americans who felt dismay at their treatment. She took an extremely active role in changing the way women were to be judged from that point on. She remarked that, ''Women in this country must become revolutionaries. We must refuse to accept the old, the traditional roles and stereotypes.''

This is a sentiment that I myself take to heart. Women in this Nation are now told they have a right to determine the kind of life they want to lead; Shirley Chisholm was at the core of this movement.

On January 25, 1972, Chisholm announced her candidacy for President. She stood before the cameras and in the beginning of her speech she said, ''I stand before you today as

a candidate for the Democratic nomination for the Presidency of the United States. I am not the candidate of black America, although I am black and proud. I am not the candidate of the women's movement of this country, although I am a woman, and I am equally proud of that. I am not the candidate of any political bosses or special interests. I am the candidate of the people.''

Shirley Chisholm did not win the nomination; but she went on to the Democratic Convention in Miami and received 151 delegates' votes. More than that, she demonstrated the will and determination of so many Americans who had previously felt forgotten, she had lighted a fire under so many who had felt disenfranchised.

Despite being separated by almost a century Hiram Rhodes Revels and Shirley Chisholm led very similar lives. They both were in positions of great responsibility during times when this Nation was under a great burden. The true greatness of their story is not just that they overcame the oppression they faced, but that they had the courage to help remedy a Nation that in many ways had spited them. They refused to bend their principles to the hatred they faced; they were true pioneers in leadership.

They are my role models in Congress not only because they are African American but because they represent the kind of leaders that America has always needed at times of adversity, they had a spirit and a courage that could not be broken, they had a vision of America that exceeded most of their peers.

I am very proud to be a Member of Congress from the city of Houston, a city that is home to NASA. This Nation has been blessed to have been the pioneer in space exploration. However, one of our greatest accomplishments has been that not only have we sent men to space, but that we have sent different men and women who represent the spirit of this great Nation.

Major Lawrence was the first African American astronaut who trained at NASA. In 1983 Guion Bluford became the first African American to fly in space. He went on to serve on three more NASA missions and logged over 688 hours in space. Before becoming an astronaut, Maj. Guion Bluford flew 144 combat missions in Vietnam. Tragically, Ron McNair lost his life in the tragic Challenger accident, but we all will forever remember his great accomplishments. Mae C. Jemison also became the first African American female to fly in space.

In less than a century and a half blacks in America had gone from the chains of slavery to the surface of the moon. Physically this is an amazing accomplishment, but spiritually these great men and women throughout black history could have accomplished what they did without those who came before them. Each great black man or woman gave hope to future generations and recognition to the fact that no amount of oppression could suppress a true vision of a greater America.

The African American community continues to rise; this is still a beginning for us not an end. The vision for America that so many black Americans strived for is not yet complete. There are many more great black minds and souls that this Nation will be blessed to experience. I look forward to seeing our progress, I delight in our great history but I am really looking forward to our future progress.

For all these reasons, Madam Speaker, I am pleased and proud to support H.R. 198, which gives due recognition to the significance of Black History Month.

STATER BROS. MARKETS: A HISTORY OF SUCCESS . . . PAST, PRESENT, FUTURE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor the Stater Bros. Markets chain for receiving the ''Spirit of Cooperation Award'' recently presented by the San Diego-Imperial Counties Labor Council, AFL–CIO.

Stater Bros. Markets traces its beginnings back to a small grocery store on West Yucaipa Boulevard in Yucaipa, California. Twin brothers Cleo and Leo Stater purchased the original Stater Bros. Market with a $600 down payment, and opened for business on August 17, 1936. By the close of the 1940s, the Stater Bros. had expanded the chain to 12 locations, with 225 employees.

During the 1950s, Stater Bros. Markets had almost doubled to include 23 locations in the counties of San Bernardino, Riverside and Los Angeles. In 1960, the company began the operation of a construction business. This new division acted as a general contractor and became responsible for all planning, supervision and construction of new stores and other facilities. In 1979, scanning was introduced in the stores and during this time there was a significant growth and expansion for the company. During the 1970s, the number of store locations more than doubled to a total of 83 supermarkets.

The year of 1980 was the largest calendar year of growth for the company, with 10 supermarkets opening. In 1982, Stater Bros. launched its first television advertising campaign. In 1999, Stater Bros. acquired 43 additional supermarket locations, which included 33 former Albertson's Supermarkets and 10 former Lucky Supermarkets. Ten of the new locations were in San Diego County, giving Stater Bros. its first presence in the area of my Congressional District.

By the year 2004, Stater Bros. had been awarded the ''Supermarket Retailer of the Year'' twice, by the Progressive Grocer in 2001 and the Grocery Headquarters Magazine in 2004. In 2005, Stater Bros. made the ''Fortune 500'' list for the first time and was the only Inland Empire headquartered company to make the list.

Today, Stater Bros. is the largest privately owned Supermarket Chain in Southern California with annual sales in 2006 of $3.5 billion. They are highly deserving of the recognition that they are receiving from our very distinguished labor council and an excellent, corporate community partner.

IN HONOR OF THE WINNERS OF THE 2006–2007 INTERNET SCIENCE AND TECHNOLOGY FAIR

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend the students of Don Bosco Prep High School in Ramsey, New Jersey, who recently won first place in Information and Communication in the 2006–2007 Internet Science and Technology Fair. The Class of 2008 students, James Cahayla-Wynne, Walter Hickey, Alexander Hieronymi, Robert Hoffmann, and John Kelly III developed an Integrated Navigation System called ''On Target.''

As the students themselves have described it on their website, www.ph3k.com: ''We resolve to design a multipurpose beacon, using GPS (Global Positioning Systems) technology, that can relay both its position and additional information about the surrounding environment, to existing data centers. These data centers will then synthesize and organize this raw data and forward it to the troops in the field who need it.''

These very bright students were aided in their quest by very supportive family, teachers, school administrators, and community leaders—Mrs. Bernadette Kozak, LTC Steven Fleming of the U.S. Military Academy, Fr. Lou Konopelski, and Mr. Paul O'Connor. As the George Bernard Shaw quote on the Don Bosco website states, ''Life isn't about finding yourself. Life is about creating yourself.'' Clearly, the faculty and staff at this school breathe life into those words each day.

TRIBUTE TO THE FLINTRIDGE FOUNDATION

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor the Flintridge Foundation, which will receive the 2007 Community Award presented by the Gamma Zeta Boule Foundation at their Annual Scholarship Luncheon in Pasadena, California on June 10, 2007. Each year, this award is given to an individual or organization that demonstrates extraordinary commitment and dedication to education and the community.

The Flintridge Foundation was created in 1985 and strongly upholds the values of individuality, diversity, and creativity on which it was founded. Francis and Louisa Moseley believed that the private sector was well qualified to understand and quickly respond to the changing needs of individuals and society as a whole, and out of that vision the Flintridge Foundation was born.

Since its beginning, the Flintridge Foundation has provided $23,531,290 in grants and has developed a conservation program that has helped to conserve biological heritage and ensure the sustainability of natural resources by supporting the preservation and restoration of native ecosystems in the Pacific Northwest.

For their success and commitment to promoting education, the environment, and many other important priorities, I ask all Members of Congress to join me in congratulating the Flintridge Foundation upon receiving the 2007 Community Award.

ROSS ALLAN WILLIAMS FOR THE AWARD OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ross Allan Williams, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 167, and by earning the most prestigious award of Eagle Scout.

Ross has been very active with his troop, participating in many Scout activities. For his Eagle Scout project, Ross's leadership helped to build a new enclosed dugout on the third base side for the Winston R–VI School baseball field. This completes the fourth Eagle Scout project that improves the baseball field.

Madam Speaker, I proudly ask you to join me in commending Ross Allan Williams for his accomplishments and for his efforts put with the Boy Scouts of America forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF LEGISLATION TO SIMPLIFY THE TAX AND ELIMINATE THE DRAWBACK FEE ON CERTAIN DISTILLED SPIRITS USED IN NON-BEVERAGE PRODUCTS MANUFACTURED IN A U.S. FOREIGN TRADE ZONE OR DOMESTIC USE AND EXPORT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. PASCRELL. Madam Speaker, I rise today to introduce a bill designed to equalize the competitive playing field between domestic and foreign users of certain distilled spirits used in the manufacture or production of non-beverage products.

Non-beverage products include medicines, medicinal products, food products, flavors, flavoring extracts and perfumes, all of which are unfit for beverage purposes.

The bill does this by allowing users that demonstrate to the Treasury Department that they are producing non-beverage products in a U.S. Foreign Trade Zone to avoid the excise tax on distilled spirits, which a foreign manufacturer of non-beverage product that uses distilled spirits does not pay.

A Foreign Trade Zone is a restricted-access site authorized by the U.S. Department of Commerce and supervised by U.S. Customs where companies can use special Customs procedures for importing and exporting materials and finished products. Zones are located in or adjacent to a Customs port of entry and operated pursuant to public utility principles under the sponsorship of a corporation granted authority by the Commerce Department pursuant to the Foreign-Trade Zones Act and regulations.

Authorized companies, of which there are many in New Jersey, therefore will be subject to continuous regulation by the Commerce and Treasury Departments as well as Customs.

The bill preserves necessary safeguards for the government as it monitors which companies use distilled spirits for beverage purposes and which companies use them for non-beverage purposes.

Such companies will be required to file regular reports with the Department of Treasury showing that the distilled spirits are used in the manufacture of non-beverage products. Currently, such manufacturers pay an excise tax of $13.50 per proof gallon and then must file for "drawback" with the burden on the claimant to show eligibility for drawback.

Under the drawback procedure, the government rebates all but $1 per proof gallon, charging the companies a $1 administration fee. Companies subject to this procedure can have considerable cash flow tied up in this process for an appreciable period of time. Again, a foreign manufacturer of non-beverage products is not subject to such tax and consequently, is not burdened by the need to file for drawback.

The imposition of this tax and burdensome drawback process on American manufacturers and producers put them at a competitive disadvantage, which I believe we should eliminate, while preserving the integrity of the government process to monitor the use of distilled spirits.

TRIBUTE TO MARTIN COUNTY AND FAIRMONT, MINNESOTA

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate Martin County, MN on two milestones it is celebrating this weekend: the sesquicentennial celebration of Martin County and the city of Fairmont, Minnesota, and the centennial celebration of the Martin County Courthouse.

Martin County was founded 150 years ago, on May 23, 1857. The county was named after Henry Martin of Wallingford, Connecticut, who was a resident of Mankato at the time.

The first permanent residents of what is now Fairmont, Minnesota were two men named E. Banks Hall and William H. Budd. In June of 1857, they built their homes beside two lakes that today are named—appropriately enough—Budd Lake and Hall Lake.

The town's original name was Fair Mount, which was later changed to Fairmont. Fifty years after the founding of Martin County, the County Courthouse was commissioned.

Construction on the Martin County Courthouse was completed on November 1, 1907: The building is built from Michigan sandstone and Indiana limestone and is topped by a dome that stands 108 feet above the ground.

The total cost of constructing the Courthouse—including furniture, plumbing and decorations—was just under $125,000.

Today, this Courthouse is the jewel of the city of Fairmont, where it sits overlooking Lake Sisseton.

Throughout its 100-year history, the Martin County Courthouse has made many changes, but it has not lost its original beauty.

I am pleased to join the State of Minnesota in congratulating Martin County and Fairmont, Minnesota on this important milestone. And I wish them continued growth and success for the next 150 years.

RECOGNIZING MR. WALLY BAILEY FOR HIS NATIONAL LEADERSHIP IN BUILDING SAFETY AND FIRE PROTECTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Mr. Wally Bailey, a resident of Fort Smith, Arkansas, and his group's recent visit to Capitol Hill during this year's annual recognition of Building Safety Week. On May 9, Mr. Bailey led a delegation of members of the International Code Council to meet with Congress to discuss nationally focused concerns in building safety and fire prevention. This year ICC's delegation focused specifically on a proposal to create a Community Building Code Administration Grant Program, and Mr. Bailey spoke to me persuasively of how this program would expand and support the quality and effectiveness of building code and fire code administration in underserved areas of our country.

Mr. Bailey serves as President of the Board of Directors of the International Code Council, a volunteer role to which he was elected in national leadership of a membership association of over 42,000 building safety and fire prevention professionals. It is this group that develops the building and fire codes that are in use all across our country for the construction and maintenance of our residential and commercial buildings, including the homes and the business, schools, and places of worship we visit regularly. These codes, created and maintained through a voluntary consensus development process, are in use by over 22,000 U.S. jurisdictions, including those who govern the quality, safety and energy efficiency of building construction at the local, State and Federal levels.

For the past three decades, Mr. Bailey has been a tireless advocate for building safety through superior building codes and effective building code administration. As the Director of Development and Construction for the City of Fort Smith, he supervises activities of a multidisciplined department that governs codes administration, inspections, plan review, property maintenance, historic preservation and land development. As a matter of note, two years ago he celebrated a quarter century of service to the City.

Since 1999, in addition to his work with the City of Fort Smith, Mr. Bailey has served in leadership positions with the ICC, culminating in his present role as President of the Board. Besides his being a distinguished citizen of my District, in my opinion, ICC's membership elected a leader who is an outstanding public safety professional and a truly dedicated public servant.

I would also like to take this opportunity to recognize the rest of the ICC delegation who visited Capitol Hill during Building Safety Week 2007, and thank them for their efforts to promote and defend a safe and sound built-environment. Those individuals include: Board Vice President Steven Shapiro, Board Secretary/Treasurer Adolph Zubia, Immediate Past President of the Board Henry Green; Board members Gregori Anderson, Edwin Berkel, James Brothers, John Darnall, William Dupler, Gerald George, Greg Johnson, Barbara Koffron, John LaTorra, Ronald Lynn,

Doug Murdock, Ronald Piester, and James Ryan; ICC Government Relations Advisory Committee members Rebecca Baker, James Martin, Betts Nixon, Emory Rodgers, and George Wiggins; ICC Chapter Leaders Paul Aston, Roger Axel, Kurt Kasson, Sheila Lee, and Tina Rakes. Members of ICC's professional staff included its CEO Rick Weiland as well as Dominic Sims, David deCourcy, Sara Yerkes, James Tidwell, Mark Dinneen, Richard Kuchnicki, Laura Scott, Peter Feldman, and International Accreditation Services President Charles Ramani.

ED MATTAS: ''AN INSPIRATION TO ALL OF SAN DIEGO''

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor Ed Mattas, who is being honored with the ''Community Service Award'' by The San Diego-Imperial Counties Labor Council of the AFL-CIO.

After graduating from Kearney High School in San Diego, California, Ed started his Union career with Hazard Products in 1981. When Hazard closed their manufacturing plant in 1985, he moved on to RCP Block and Brick. While at RCP Block and Brick, Ed served as the Shop Steward.

Ed was then elected as Trustee to Teamsters Local 36 in 2001 and was appointed Vice President in 2006. He was hired as the Training Director for the San Diego County Construction Teamsters in 2002. Along with the job came a tractor trailer that is funded by Teamsters Locals 36, 481, 542, and 683. These Locals have made it easy for him to make the Teamster truck available for volunteer projects whenever possible.

Ed and his students have helped in many events in San Diego and Southern California. These events include the Postal Food Drive, the Christmas food and toy distribution, providing the hauling for the Trail of Hope Charity to the Apache Indians, many projects in assisting the Pacific Southwest Railway Museum in Campo, and helping to transfer food from the San Diego Food Bank to many needy organizations.

Ed Mattas truly has been an inspiration to all of San Diego.

HONORING CHRISTINE WARD-DIAZ, WINNER OF A PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to pay tribute to Christine Ward-Diaz, a science and math teacher at East Brook Middle School in Paramus, New Jersey, and winner of a Presidential Award for Excellence in Mathematics and Science Teaching this year.

As the Paramus Superintendent Janice Dime has noted, Ms. Ward-Diaz ''makes science learning come alive in her classroom.'' I had the pleasure of visiting with Ms. Ward-Diaz last year with the EPA Administrator, Stephen Johnson, to discuss energy conservation. Her teaching style clearly invigorates her classroom and challenges her students. The children were well-informed and excited to absorb as much knowledge as they could from their teacher.

Christine Ward-Diaz holds a bachelor's degree in elementary education from the University of Scranton and a masters in environmental studies from my alma mater, Montclair State University. Her superior teaching methods have long been recognized by her peers, earning her East Brook's Teacher of the Year in 2004–05. The Presidential Award is the federal government's highest honor for teaching excellence.

This statement in the CONGRESSIONAL RECORD will ensure her well-deserved place in official history. But, more importantly, the generations of students she inspires are a legacy in which we will all always share. I commend Christine Ward-Diaz for her dedication to her students and her community.

TRIBUTE TO MIKE GARRETT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SCHIFF. Madam Speaker, I rise today to honor Mike Garrett, who will receive the 2007 Leadership Award presented by the Sigma Pi Phi Gamma Zeta Boule Foundation at their Annual Scholarship Luncheon in Pasadena, California on June 10, 2007. Each year, this award is given to a community leader who demonstrates extraordinary commitment and dedication to education and the community.

Raised in Los Angeles, California, Mike Garrett attended the University of Southern California, where he excelled as a football player and set numerous records. As an exemplary student athlete, Garrett was named an All-American twice, awarded the prestigious Heisman Trophy in 1965, and was inducted into the College Football Hall of Fame in 1985.

Garrett went on to become a star in the American Football League playing for the Kansas City Chiefs and the San Diego Chargers. He was a two time AFL All-Star, and led the Chiefs to a Super Bowl Victory in 1969. Throughout his entire professional career, Garrett gained a total of 8,049 yards and scored 49 touchdowns.

After his professional football career, Garrett attended the College of Law at Western State University, where he earned his Juris Doctor in 1986. Garrett also held numerous professional positions, which included Director of Business Development at the Great Western Forum, working at the District Attorney's Office in San Diego, and doing color commentary for USC football telecasts. In January of 1993, Garrett returned to USC as the Athletic Director where he has helped the football program regain its status as a dominant football power.

For his success and commitment to promoting education and athletics, I ask all Members of Congress to join me in congratulating Mike Garrett upon receiving the Sigma Pi Phi Gamma Zeta Boule's 2007 Leadership Award.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

SPEECH OF

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. CUMMINGS. Mr. Speaker, despite my opposition to the war in Iraq, I supported the passage of the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007, H.R. 1591, when it came before the House in March. It was a difficult decision but I had to vote my conscience.

For the first time we were requiring accountability standards by establishing benchmarks and a timeframe for redeployment. Another persuasive factor in supporting H.R. 1591 was the funding for body armor, Mine Resistant Ambush Protection vehicles, MRAP, traumatic brain injury, TBI, and post-traumatic stress disorder, PTSD, and veterans health care. Finally, I was encouraged by the fact that we were taking proper care of our soldiers by ensuring that they were properly rested, trained, and equipped. Unfortunately, President Bush vetoed this bill that could not be overturned by the House.

A few weeks ago on May 10, Congress considered and passed version two of the Iraq Supplemental, H.R. 2206. This bill would have provided $42.8 billion for the Iraq War. Funding would have supported the immediate needs of the U.S. military through July. However, shortly before the August recess Congress would have to decide whether to release an additional $52.8 billion of war spending that would last until September.

This measure would have placed needed limitations on access to funding based upon the progress reports provided to Congress by the President thereby, bringing the President and his administration back to reality by enforcing accountability standards. However, in an effort to avoid another veto by President Bush, H.R. 2206 has been butchered into a bill hallow and reintroduced without needed provisions that would safeguard this country from continuing a seemingly endless military operations in Iraq. Therefore, I voted in favor of Amendment 1 to H.R. 2206 and voted against Amendment 2.

One of my primary concerns has been to ensure that the troops receive the equipment, rest and training they require and surely deserve. In keeping in line with these key concerns, I voted in support of Amendment 1 to H.R. 2206, which provides support for defense and the global war on terror totaling over $14.489 billion in funding namely, $617 million in state and foreign operations, $3.137 billion for BRAC (fully-funded), $1.789 billion in Veterans Medical Care (including funding for Walter Reed Medical Center), and $1.050 billion for Homeland Security.

Moreover, Amendment 1 supports our troops by appropriating $343 million for our military personnel in the U.S. Army, $408 million for our service members in the U.S. Navy, about $108.9 million for our troops in the Marine Corps, $139.3 million for those in the U.S. Air Force and marked increases in funding for our reserve personnel. Furthermore, it protects

our troops on the ground in Iraq and Afghanistan by supplying over $258 million for defense-wide MRAP vehicles as well as over $2.6 billion in funding for the armed forces to purchase this same equipment.

Amendment 1 also resolves many of the shortcomings of our military medical healthcare facilities and defense health programs inability to treat and care for our men and women in uniform returning from combat with injuries. In doing so, it allots $1.878 billion for our Defense Health Programs specifically, $6 million for treatment of TBI and those suffering from PTSD, the signature injuries of our troops returning from Iraq and Afghanistan. It also provides needed oversight of our military medical treatment facilities, military housing, medical hold personnel and housing provided to them by requiring a series of inspections be conducted by the Secretary of Defense thereby, ensuring that our service members never again return to military facilities at home that are substandard.

Amendment 1 also provides $393 million in funding to the State Children's Health Insurance Programs, SCHIP, a vital program to the Nation and to the State of Maryland.

Currently, over 137,000 children in Maryland are without health insurance. Fully funding this program will be a great step toward providing universal health care to our neediest children. I should also note that Amendment 1 also provides needed agricultural, FEMA and general Gulf Coast recovery support for those still suffering from the widespread damage caused by Hurricane Katrina by appropriating over $2.87 billion in financial support.

President Bush can no longer expect a blank check without any accountability given the current circumstances in Iraq. Over 3,400 soldiers have died and the number increases each day. We have been working diligently to negotiate with the President but he has constantly failed to meet us halfway, despite the clear need for a new direction and policy in Iraq. His mandate to have a bill with no strings attached as to time lines for redeployment or one absent of key benchmarks measuring our progress with accountability and needed oversight measures included is unreasonable and irresponsible. This is exactly why I firmly disapprove of Amendment 2.

The President has outlined the need for benchmarks himself particularly, in a January 13, 2007 radio address stating that ''America will hold the Iraqi Government to benchmarks it has announced. These include taking responsibility for security in all of Iraq's provinces by November, passing legislation to share oil revenues among all Iraqis, and spending $10 billion of its own money on reconstruction projects that will create new jobs.'' These are strong commitments. And the Iraqi Government knows that it must meet them, or lose the support of the Iraqi and the American people.

The President must be held accountable. No more blank checks. It is our duty to protect our brave men and women in uniform. Therefore, I call on my colleagues listen to the American people and vote against Amendment 2.

INTRODUCTION OF THE NATIONAL DIGITAL TELEVISION CONSUMER EDUCATION ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. ENGEL. Madam Speaker, I rise today to encourage my colleagues' strong support of a bill that I am introducing, which would educate the American people about the Nation's transition to digital television broadcasting and help prepare them for the analog cutoff date in February 2009.

As you know, Congress enacted a ''hard date,'' February 17, 2009, by which our TV broadcasters must cease analog broadcasting and only transmit in digital. On that date, anyone who relies on over-the-air broadcasts will need a set-top box to receive and convert digital TV signals in order for their analog TV to continue to work.

The benefits of transitioning to digital TV signals are enormous, most importantly opening up desperately needed spectrum for first responders. I believe the American people will support this transition, but to make this transition a success our constituents need to know and understand why this is happening.

The Federal Communications Commission has been tasked with the responsibility of the success of this transition. If the Commission does not approach the analog cutoff date with care and consideration of the consumer, millions of TV viewing Americans will be left with a black screen.

I am particularly concerned that the FCC is relying heavily on a website to inform consumers about the transition and how to prepare for the analog cutoff day. I believe that this is not enough. According to the GAO, 21 million U.S. households rely on over-the-air television. Many of these households have a combined income of $30,000 or less and do not have immediate access to the internet. I am not convinced that a website will help these families obtain the necessary information to prepare for the transition.

To facilitate this transition and make up for the lack of sufficient education from the FCC, I am introducing the National Digital Television Consumer Education Act. This legislation requires TV retailers to place signs next to analog televisions that will include an advisory that additional equipment is necessary after February 17, 2009 to continue using that TV. The bill also requires broadcasters to air PSAs for more than a year to help educate the public about what is happening and the set-top box subsidy program.

The DTV transition will impact every American. We must do everything to ensure the success of this transition and help our constituents from losing their television transmission in February 2009. I urge my colleagues to co-sponsor this bill which will help prepare the American people for the upcoming transition.

PERSONAL EXPLANATION

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BURGESS. Madam Speaker, on Thursday, May 17, 2007, I missed six recorded votes due to a family obligation in Texas. Had I been present, I would have voted in the following manner.

H.R. 1427, FEDERAL HOUSING FINANCE REFORM ACT OF 2007

Rollcall No. 378 H. AMDT. 203 (BACHUS R–AL) Amendment No. 001—''yes''; rollcall No. 379 H. AMDT. 205 (HENSARLING R–TX) Amendment No. 003—''yes''; rollcall No. 380 H. AMDT. 209 (MCHENRY R–NC) Amendment No. 007—''yes''; rollcall No. 381 H. AMDT. 21O (KANJORSKI D–PA) Amendment No. 008—''no''; rollcall No. 382 H. AMDT. 211 (ROSKAM R–IL) Amendment No. 009—''yes'' and rollcall No. 383 H. AMDT. 213 (GARRET R–NJ) Amendment No. 011—''no.''

MARKING THE CENTENNIAL OF THE LIMA CHAPTER OF THE DAUGHTERS OF THE AMERICAN REVOLUTION

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. JORDAN of Ohio. Madam Speaker, I am honored today to pay special tribute to the outstanding women of the Lima Chapter of the Daughters of the American Revolution. The chapter marked its 100th anniversary with a special reception on June 3, 2007.

Chartered on April 10, 1907, the Lima Chapter has served the people of Lima in countless ways through the years. From their work in support of servicemembers and veterans to their committed work with the youth of Allen County, Ohio, the women of the Lima DAR have compiled a long and distinguished record of service in times of war and peace.

Fifty-two women have served the Lima Chapter as Regent, starting with Mrs. Clara Paine Ohler. The chapter's membership through the years has included women from all walks of life who have distinguished themselves in numerous ways through their service.

The Lima DAR is especially noted for its work in local schools to promote civic education, reflecting the group's love of country and its high regard for the gift of freedom that we all enjoy. They are true examples of the DAR's high calling to cherish, maintain, and extend the institutions of American freedom.

Madam Speaker, I invite all of my colleagues to join me in paying tribute to the Lima Chapter of the Daughters of the American Revolution. Our nation is better served through their hard work and diligence. We wish them all the best at their centennial celebration.

INTRODUCTION OF THE MAJOR SCOTT NISELY POST OFFICE NAMING BILL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. LATHAM. Madam Speaker, today I am introducing legislation to honor Scott Nisely of Marshalltown, Iowa, one of America's heroes who was killed in combat on September 30, 2006, while serving our country in Iraq.

Scott Nisley served 22 years in the Marines as an officer on active duty and as a reservist, retiring with the rank of major. He then worked 12 years for the U.S. Postal Service in Marshalltown, Iowa. Due to Scott's strong desire to serve his country, he accepted an enlisted rank in order to fill a vacancy in the Iowa Army National Guard. Scott had served a tour of duty during Operation Desert Storm as a marine in addition to Operation Iraqi Freedom as a guardsman.

Scott's friends, family, coworkers and fellow soldiers and marines attest to the positive and lasting impact he had on their lives. Scott's life was a shining example of dedication to service, and a strong commitment to his family, faith and country. The legislation I am introducing with the support of my colleagues from Iowa—LEONARD BOSWELL, STEVE KING, BRUCE BRALEY and DAVE LOEBSACK—would name the post office located at 309 East Linn Street in Marshalltown, Iowa, the ''Major Scott Nisely Post Office.'' The proposal was initiated by Scott's coworkers at the Marshalltown Post Office, and I am proud to help them make this timely and appropriate honor a reality. I strongly encourage my colleagues to swiftly consider and pass this legislation.

RECOGNIZING THE ACCOMPLISHMENTS OF MAJOR GENERAL BENNIE E. WILLIAMS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor a lifetime commitment of service to the United States of America. On June 15th, 2007, MG Bennie E. Williams of Fredericksburg, Virginia will retire after 35 years of dedicated service in the United States Army.

General Williams was commissioned as a Second Lieutenant in the Infantry after graduating from the Reserve Officers Training Corps program at Morgan State University, where he earned his Bachelor of Science degree in Education Administration and was designated a Distinguished Military Graduate. He received his Master's degree in Transportation Management from the Florida Institute of Technology, and military education includes courses at the Command and General Staff College, and the Army War College.

General Williams' initial assignments included a posting as Platoon Leader and Motor officer for the 2nd Armed Division at Fort Hood, Texas. In September 1975, he was Assistant Operations Officer and Commander of the Headquarters and Headquarters Detachment, 69th Transportation Battalion, Korea.

In July of 1992 he assumed command of the 169th Maintenance Battalion, 13th Corps Support Command, Fort Hood, Texas. From there he deployed with his unit to Somalia in Support of Operation Restore Hope.

Following a year of study at the Army War College, he transferred to Europe, and assumed command of the 16th Corps Support Group. From there he deployed with his unit to Bosnia in support of Operation Joint Endeavor. In July 1997, he assumed the duties of Chief of Staff for the 3rd Corps Support Command. In July 1998, he was transferred to Fort Belvoir, Virginia and assumed the duty of Chief of Staff Transportation Legislation at the Defense Logistics Agency, and was later named Chief of Staff for Defense Logistics Support Command for Defense Logistics Agency.

In September 2000, he was promoted to the rank of Brigadier General and again transferred overseas and was named Deputy Commanding General of the 21st Theater Support Command. He was later promoted to Major General and was later appointed Director of Logistics Operations and Readiness J–3/4, Defense Logistics Agency, in September of 2005, where he has been able to bring his wealth of experience and singular talents to bear on solving some of the most intricate sustainability and logistics challenges faced by our nation's Armed Services.

His tireless and selfless dedication to serving his country is represented by the many decorations he has earned including the Distinguished Service Medal with Oak Leaf Cluster, the Defense Superior Service Medal, the Legion of Merit, the Bronze Star Medal, the Meritorious Service Medal with 4 Oak Leaf Clusters, the Army Commendation Medal with Oak Leaf Cluster, the Army Achievement Medal, the Superior Unit Award, and the Parachutist Badge.

In closing I wish to commend General Williams for his many years of distinguished service to our Nation, years spent protecting our freedoms of life, liberty and the pursuit of happiness. I wish him and his wife, Lenora, Godspeed in his retirement.

A NATIONAL SECURITY CONCERN—UNATTENDED CRIMINAL JUSTICE ISSUES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. RANGEL. Madam Speaker, criminal justice issues continue to plague our communities to the point that they threaten our national security. In this Congress we should make a commitment to address the issue of illegal guns distribution, recidivism, crack-cocaine sentencing disparities and systemic disenfranchisement of ex-offenders. We owe this to the many, primarily minority, families that are destroyed every year because of these devastating social ills that can be prevented.

First, the use of illegal guns is a serious problem across America. Everyday illegal guns are used to commit violent crimes, particularly in urban communities. The loss of life as a result of use of an illegal gun has ruined families and communities. We can no longer stand and watch as criminals illegally obtaining guns and use them to cause havoc. I serve as co-chair on the Congressional Task Force on Illegal Guns. Our focus is to address the Tiahrt Amendments, a series of ''riders'' in recent Commerce, Justice, and Science appropriation bills that limits local law enforcement access to data on gun tracing. These amendments which have become increasingly restrictive since Fiscal Year 2003 deny local law enforcement agencies the ability to identify illegal gun traffickers.

National security encompasses addressing issues that lead to poverty and hopelessness, for these feelings of despair threaten the safety of all Americans. Preventing individuals who have served their time in jail from obtaining employment, education and health care only leads to the unfortunate alternative; resort to careers in crime. Almost all states have in place a system of expunging records or providing a meaningful chance for ex-offenders to rebuild their life. The federal government has no such system. Therefore, I introduced H.R. 623, the Second Chance Act of 2007, which provides that federal ex-offenders have the same second chance as many state offenders. Federal first time ex-offenders who prove that they have fulfilled all requirements of their sentence, parole and supervised released have been completed; they have obtained a high school or GED equivalency degrees; they have remained free of drug and alcohol dependency; and they have completed a full year of community service can qualify for reentry into society and have their records expunged.

In addition, the rate at which blacks and whites are sent to prison for drug offenses continues to be grossly disparate and raises a clear warning flag concerning the fairness and equity of drug law enforcement across the country. We need to continue to build momentum to eliminate the sentencing disparity that keeps defendants convicted of trafficking crack in jail far longer than those convicted for powdered cocaine. Under the existing law, a defendant convicted of trafficking five grams of crack cocaine receives the same five-year mandatory penalty as a defendant convicted of trafficking 500 grams of powder cocaine. In addition, a mandatory minimum penalty of five years is automatically imposed for possession of five grams of crack cocaine, whereas simple possession of any quantity of any other substance—including powder cocaine—is a misdemeanor offense punishable by a maximum of one year in prison. To begin to address this, I introduced H.R. 460, the Crack Cocaine Equitable Sentencing Act, moves us one step closer to eliminating the disparity in sentencing for crack and powder cocaine offenses.

Finally, deprivation of the right to vote is not an inherent or necessary aspect of criminal punishment nor does it promote the reintegration of offenders into lawful society. Nationally, an estimated 5.3 million Americans are denied the right to vote because of laws that prohibit voting by people with felony convictions. This fundamental obstacle to participation in democratic life is exacerbated by racial disparities in the criminal justice system, resulting in an estimated 13 percent of Black men unable to vote. The impact on the political power of the minority communities is nothing short of devastating. I urge my colleagues on both sides of the aisle to support legislation that will help address the criminal justice issues that have been left unattended for far too long.

HONORING GRAPEVINE ROTARY CLUB'S 40TH ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MARCHANT. Madam Speaker, today I rise to honor the Grapevine Rotary Club's 40th Anniversary. The Rotary Club organization was started in Chicago, Illinois in 1905 and currently has approximately 1.2 million members associated with 32,000 Rotary Clubs worldwide. In 1964, Grapevine Mayor, Ira E. Woods had the vision of starting a Rotary Club in the community. On June 22, 1967 a telegram was delivered from Rotary International with confirmation of their charter membership.

Grapevine Rotary Club is an organization who benefits many people both near and far. Locally, they assist needy students at Grapevine Middle School with a mentoring program and sponsor many events, including: a yearly essay contest, the Special Olympics at Grapevine High School, the annual banquet for the Special Olympians, and the yearly Senior Citizens Banquet. In years past they built a pavilion at a local park. And, for the past 15 years, the Rotary Club has put up American Flags on holidays along Grapevine's Main Street. They have also supported local charities such as GRACE and Nash Farm.

They have helped others across the country such as in New Mexico where they have worked with other Rotarians to purchase water rights at the St. Bonaventure Indian Mission and School on the Navaho Reservation.

Globally, they have: helped donate fire trucks and ambulances to Acuna, Mexico, Grapevine's sister city; supported cataract surgeries and helped provide artificial limbs for the needy in India; assisted students at a school in Tanzania and helped drill water wells in Peru and Ghana. The club sponsors teacher exchanges throughout the world including Latin America, Eastern Europe and India. The Grapevine Rotary participates in the One World program with Russia to help promote world peace.

Madam Speaker, it is with great pride that I recognize the tremendous contributions to the individuals, organizations and communities that Grapevine Rotary Club has benefited for the past 40 years. It is an honor to represent this humanitarian organization in the 24th District of Texas.

NICO FERRARO: AN INSPIRATION TO SAN DIEGO

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. FILNER. Madam Speaker, I rise today to honor Nico Ferraro, who is being honored as the ''Labor Leader of the Year'' by The San Diego-Imperial Counties Labor Council, AFL–CIO.

Nico was initiated into the union on June 15, 1971, and knew it was for him. He went on to serve a five-year steamfitter apprenticeship with the United Local 638 in New York City.

His urge to travel and see the country continually took him to several western states until he eventually landed in San Diego. Nico's political activism caught the attention of Local 230's officers and he was elected to the Executive Board in 1989. In 1992, he was elected as the Pipefitter Business Representative and served in that capacity until his appointment to Business Manager in 1997.

As Local 230's Business Manager, Nico represents the various divisions of the 1600 member local union in many ways. He is a Trustee to the pension and welfare funds, the Secretary to the Joint Apprenticeship Committee, President of the Southern California Pipe Trades District Council #16, President of the San Diego Building Trades, a member of the Board of Directors of the National City Park Apartments' 460 unit complex, built and managed by the Building Trades since 1968, and an Executive Board member to the Central Labor Council. One of Nico's proudest positions was serving on the Board of Directors of the Construction Tech Academy from 2002 to 2006. The academy is a uniquely designed High School dedicated to Construction, Architecture, and Engineering. The San Diego Building Trades honored Nico as the John Lyons Labor Leader of the Year in 2000.

In his role as Business Manager, Nico is focused on organizing, training, and political action. He is dedicated to improving the wages, pension and working conditions of his membership and demonstrating to all of San Diego the benefits of union membership. He has spoken on the record before the Industrial Welfare Commission.

Nico is involved in all aspects of the Labor movement. He has had numerous pro-union letters to various editors of San Diego newspapers published. To enhance his career as a union officer, Nico enrolled in the Labor Studies Program at San Diego City College. He completed the program in 1994 and continued his studies, earning a Business and Labor Studies Degree and graduating with honors in June 2000.

California Governor Gray Davis further honored Nico by appointing him to the Industrial Welfare Commission Wage Board, where he was asked to determine the wages, work hours and working conditions for the mining, drilling and construction industries.

Nico Ferraro truly has been an inspiration to all of San Diego.

HONORING THE REVEREND BILLY GRAHAM

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. SHULER. Madam Speaker, I rise today to recognize an important milestone in the historic ministry of the Reverend Billy Graham. On Thursday, May 31, 1,500 of Reverend Graham's friends gathered for the dedication of the Billy Graham Library in Charlotte, North Carolina. Among those friends were all three of our living former Presidents. Reverend Graham's ministry has touched more people in this world than could ever be able to attend such a dedication.

I am honored to have Reverend and Mrs. Graham as two of my constituents in Western North Carolina. The Grahams moved to Montreat many decades ago, and have made an indelible mark on the area. I have the utmost respect for Reverend Graham.

The newly dedicated Billy Graham Library is appropriately built in the shape of a barn, which no doubt reminds Reverend Graham of his childhood on a nearby dairy farm. When Billy Graham was born some 88 years ago no one but God knew the influence he would have on the world.

Billy Graham has ministered to hundreds of millions of people across the world, over 210 million of those contacts coming through the form of live audiences. Reverend Graham has ministered to Congressmen, celebrities, and heads of state. He has ministered to people without regard to their wealth, political affiliation, social status, or skin color; and he did it before such things were popular. Billy Graham has stood for what is right throughout his long career. He paid Reverend Martin Luther King's bail on numerous occasions, refused to speak in Little Rock while school segregation was being insisted upon by the state government, and he would not visit South Africa during Apartheid until The government would allow a desegregated audience.

Reverend Graham commented at last week's dedication that ''I feel like I've been at my own funeral, listening to all these speeches. I feel terribly small and humbled by it all.'' That statement explains the character of Reverend Graham better than anything I can say.

Madam Speaker, the legacy of Billy Graham will live on long after he is gone, and I am proud to congratulate him on the opening of this new library which will help to carry his legacy forward. Billy Graham has served his Lord for a lifetime, and it is an honor to serve Reverend Graham in the United States Congress. May God continue to bless Billy Graham.

D/FW INTERNATIONAL AIRPORT'S ''WELCOME HOME A HERO'' PROGRAM

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today to pay tribute to the ''Welcome Home a Hero'' program at Dallas-Fort Worth International Airport. The ''Welcome Home a Hero'' program is a daily gathering of volunteers to celebrate the homecoming of soldiers returning from Iraq, Afghanistan, and Kuwait. This program is one of the Nation's foremost morale builders for our troops with over 150 civic organizations, governmental departments, and businesses volunteering during its 3-year tenure. This tremendous effort has made the ''Welcome Home a Hero'' program one of the largest ongoing community service efforts in north Texas. These committed volunteers have given of their time so that our troops, as well as their families, can see how proud we are as a community, and as a nation, of their service and sacrifice.

Madam Speaker, the north Texans that participate in the ''Welcome Home a Hero'' program are the first people the troops see upon their return to the United States, and they speak on behalf of all Americans in thanking them and celebrating the safe return of each soldier. On June 12, 2007, the 500,000th soldier will come home for a well-deserved 2

weeks of rest and recuperation, and I am proud to share that the "Welcome Home a Hero" program at Dallas-Fort Worth International Airport has been selected by the U.S. Military to host this celebration. I extend my personal gratitude to the program's volunteers for their efforts in supporting our dedicated men and women in uniform who are proudly serving our Nation.

Madam Speaker, I am indeed honored to pause and pay tribute to these wonderful volunteers and valiant soldiers who represent the very best of the United States of America.

THE IRAQ STUDY GROUP RECOMMENDATIONS IMPLEMENTATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am pleased to introduce legislation to implement the recommendations of the Iraq Study Group (ISG)—also known as the "Baker Hamilton Commission"—as a bipartisan foundation for long overdue strategic change in our policy in Iraq.

I am pleased to be joined by my colleagues Representatives FRANK WOLF, MICHAEL MCCAUL, and DANIEL LIPINSKI—and 41 other Members—in introducing this bill, and I am grateful for all their help in building support for this legislation. Representative WOLF deserves special recognition for the role he played in spearheading the creation of the Iraq Study Group and in pushing forward its recommendations.

The ISG was created in March 2006 at the request of a bipartisan group of Members of Congress, led by Representative WOLF, and was co-chaired by former Secretary of State James Baker and former chairman of the Foreign Affairs Committee, Representative Lee Hamilton. In December 2006, the ISG released its recommendations and outlined a bipartisan approach to bringing a responsible conclusion to the Iraq war.

What this legislation does is to take these recommendations and establish them as official United States policy. Among the recommendations outlined in the bill are a new diplomatic offensive in the region that includes the creation of the Iraq International Support Group; giving the highest priority to training, equipping and advising the Iraqi military and security forces; assessing the full budgetary and personnel impact of the war in Iraq on the U.S. military; accelerating and increasing oil production and accountability including equitable distribution of oil revenues in Iraq; implementing and oversight of economic reconstruction programs in Iraq with the creation of a new Senior Advisor for Economic Reconstruction; ensuring that the President includes the cost of the war in his annual budget request; and setting conditions that can lead to redeployment of U.S. combat forces as early as the first quarter of 2008, including necessary diplomatic, infrastructure and security benchmarks.

It is clear to me that a Democratic majority in Congress cannot unilaterally legislate an end to this war and expect its architect and champion—President Bush—to sign on the dotted line. In my view, the only way to end this war—and to end it in a way that minimizes the likelihood of greater regional bloodshed—is to broaden the tent of opposition, and engage concerned Republicans in pressuring the Bush Administration to change course. That is why I worked last year with Representative Joe Schwarz on a resolution insisting on benchmarks for Iraqi political stability and a process to hold the Bush Administration accountable.

That is why I am introducing this bill today. Democrats and Republicans must work together to change the course in Iraq, and implementing the major policy recommendations of the bipartisan Iraq Study Group is an overdue step in this direction.

As an early and consistent opponent of this war I do not believe that embracing these recommendations is the only action we in Congress must take, but it is important as a foundation. I, for one, will also continue to push for a strategy of military disengagement in Iraq and phased redeployment of our forces, because I do not believe we should ask our soldiers to referee a civil war.

Ending American military participation in this war and managing the consequences of the Bush Administration's failures will not be easy and it will not come overnight, but it will come—and the ISG recommendations offer a means of moving toward these goals.

Many of us embraced the ISG's recommendations when the report was first released last year, and many of us believe that the report still provides a comprehensive blueprint for a way forward in Iraq and the Middle East, from both the military and the diplomatic perspective.

I do not believe the ISG recommendations or my bill will offer a complete solution, but they will offer a start.

We went into war as a badly divided country; I hope we can end it differently and that is my motivation in offering this bill today.

A TRIBUTE TO THE 2007 ELLIS ISLAND MEDAL OF HONOR RECIPIENTS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. BURTON of Indiana. Madam Speaker, I rise today to congratulate the 2007 recipients of the Ellis Island Medal of Honor. The Ellis Island Medal of Honor is presented annually by the National Ethnic Coalition of Organizations (NECO), representing more than 250 organizations that span the spectrum of ethnic heritages, cultures and religions. Since the organization's founding in 1986, approximately 1,700 American citizens have received Ellis Island Medals of Honor, including six American Presidents, several United States Senators, Congressmen, Nobel Laureates, outstanding athletes, artists, clergy, and military leaders.

As we all know, citizens of the United States can trace their ancestry to many nations. The richness and diversity of American life makes us unique among the nations of the world and is in many ways the key to why America is the most innovative country in the world. The Ellis Island Medals of Honor not only celebrate select individuals but also the pluralism and democracy that enabled our ancestors to celebrate their cultural identities while still embracing the American way of life. This medal is not about money, but about people who really seized the opportunities this great country has to offer and who used those opportunities to not only better their own lives but make a difference in the lives of those around them. By honoring these outstanding individuals, we honor all who share their origins and we acknowledge the contributions they and other groups have made to America.

In addition, NECO awards one International Ellis Island Medal of Honor each year. This year's international honoree was Victor Phillip Dahdaleh, Chairman, Dadco. Mr. Dahdaleh is Canadian.

And for the first time in its history, NECO presented a Global Humanitarian Award to H. E. Sheikha Haya Rashed Al Khalifa, President of the 61st Session of the United Nations General Assembly.

When the immigrant station at Ellis Island, New York, opened on January 1, 1892, it admitted 700 immigrants into the United States on just its first day of operation. By the time the center closed in 1954, 17 million immigrants had passed through its doors. The Ellis Island administration and staff, on average, processed up to 5,000 people per day. Many of these newcomers had little or no knowledge of English, hardly any money, and many arrived with only the clothes on their backs. They arrived risking their lives in exchange for freedom and a better way of life.

I, once again, commend NECO and its Board of Directors headed by my good friend, Nasser J. Kazeminy, for honoring these truly outstanding individuals for their tireless efforts to foster dialogue and build bridges between different ethnic groups, as well as promote unity and a sense of common purpose in our Nation. As Rosemarie Taglione, Executive Director of NECO has said so eloquently on a number of occasions: "NECO's message of tolerance and harmony among diverse ethnic groups is, perhaps, even more important today than it was 20 years ago."

Madam Speaker, I ask all of my colleagues to join me in recognizing the good works of NECO, and congratulating all of the 2007 recipients of the Ellis Island Medals of Honor. I also ask unanimous consent that the names of this year's recipients be placed into the CONGRESSIONAL RECORD following my statement:

Dr. Gregory Adamian, H. E. Sheikha Haya Rashed Al Khalifa, George Altirs, Peter Arnell, Dr. Elias Ayoub, Dr. Ernest M. Barsamian, Michelle Bodden, Edgar Cahn, Leo Chen, Dr. Aram V. Chobanian, Jaekun Chung, Mario Ciano, Denis A. Cortese, MD, Hon. Leslie Crocker-Snyder, Victor Phillip Dahdaleh, Nicholas J. Daniello, MD, Dr. Joel Alan DeLisa, Kirti Desai, Dr. Akshay Desai, Michael J. Dowling, James J. Dowling, Blaise Durante, Hon. Jacob Eapen, MD, MPH, Mory Ejabat, Richard A. Elias, MD, Hani Findakly, PhD, Arthur Flegel, Jon Fortgang, Douglas Foshee, Philip Friedman, Cynthia R. Garrett, Obren Gerich, Joi Gordon, Col. R. L. Grabowski, USMC, MSGT Nicholas G. Grand, USAF (Ret.), Patrick Grant, Hon. Chuck Hagel, George Hamilton, William Harrington, Esq., Richard Heckmann, Col. Jack H. Jacobs, USA (Ret.), Rev. John I. Jenkins, CSC, Ik Joong Kang, Dr. Sarkis Kechejian, Don Keenan, Do-Young Kim, David E. Kimmel, Jr., Dr. Steven S. Koh, George J. Kostas, Les Kuczynski,

Joan Kuyper-Farver, Irene Ladas, LTC. Larry H. Lang, USAF, Rep. Tom Lantos, Dr. Edwin Pak-Wah Leung, Dr. John M. Levinson, Hon. Guillermo Linares, Harvey Mackay, Patrick J. Martucci, Thomas Mattia, CPT. Gary A. Maynard, USN, Mitchell Modell, Hon. Samuel Mok, Todd Morgan, C. Warren Moses, Dr. Vance Moss, Dr. Vince Moss, Sharmin Mossavar-Rahmani, Maureen Murphy, Fereydoun Nazem, Hon. Liet Nguyen, Col. Tracey E. Nicholson, USA, Fr. Michael O'Connell, Dr. Kiran C. Patel, Antonio M. Perez, Asst. Chief Diana L. Pizzuti, L. Rafael Reif, PhD, RADM Stephen W. Rochon, USCG, James Rogers, Michael Rogers, Hon. Carlos A. Romero-Barcelo, Ali A. Saberioon, Carlos A. Saladrigas, Dominick M. Servedio, Smita N. Shah, Donald Soffer, Dr. Patrick Soon-Shiong, Toomas M. Sorra, MD, Debra Brown Steinberg, Esq., Daniel J. Sullivan, Daniel J. Thomas, DDS, Gerald Turpanjian, Luis A. Valentin, Tai Nin Wang, Richard J. Wolff, Mahvash Yazdi, Dr. Gazi Zibari, Mira Zivkovich.

HONORING BILL FRANCE JR.

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. MICA. Madam Speaker. I rise today to pay tribute to William Clifton ''Bill'' France, who passed away Monday, June 4, 2007, at his home in Daytona Beach, Florida. It was my honor to have known and worked with Bill France over the past years. Known by friends as ''Bill Jr.,'' he was a legend in American motorsports.

The son of NASCAR's founder, he was born in Washington, DC on April 4th, 1933. His family moved to Daytona Beach in 1934 where his father, William France, Sr., began establishing the world's most famous racing circuit and a national sports phenomenon.

Bill Jr. graduated from Seabreeze High School in Daytona Beach in 1951 where he played on the basketball team. He attended the University of Florida and served in the United States Navy from 1953 to 1955.

After his service in the Navy, Bill Jr. found the love of his life, Ms. Betty Jane Zachary, who became the mother of his two children, Brian France and Lesa Kennedy. Both of his children and his wife were instrumental in the success of what is now ''the most watched American sport,'' NASCAR.

Bill Jr. did not begin his journey as CEO. He started working his way up the ranks holding positions as a flagman, concierge, race scorer and other jobs. In 1959, he even drove a bulldozer and a grater during the construction of the Daytona International Speedway before becoming Co-Chairman and Chief Executive Officer.

With the passing of Bill France, American motorsports has lost a great leader, our country and State have lost an outstanding citizen and I have lost a wonderful friend. He will be remembered as a patriotic American, a pillar of our community, a respected businesman, a compassionate husband and a loving father. To his wife Betty Jane, his son Brian, his daughter Lesa France Kennedy, his brother James, his three grandchildren and the all of the France family, we offer our deepest sympathy.

Madam Speaker, it is my privilege to recognize Bill France's contributions and ask all Members of the U.S. House of Representatives of the 110th Congress to join me in remembering a great American.

RECOGNIZING MR. WALLY BAILEY FOR HIS NATIONAL LEADERSHIP IN BUILDING SAFETY AND FIRE PROTECTION

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BOOZMAN. Madam Speaker, I rise today to recognize Mr. Wally Bailey, a resident of Fort Smith, Arkansas, and his group's recent visit to Capitol Hill during this year's annual recognition of Building Safety Week. On May 9, Mr. Bailey led a delegation of members of the International Code Council to meet with Congress to discuss nationally focused concerns in building safety and fire prevention. This year ICC's delegation focused specifically on a proposal to create a Community Building Code Administration Grant Program, and Mr. Bailey spoke to me persuasively of how this program would expand and support the quality and effectiveness of building code and fire code administration in underserved areas of our country.

Mr. Bailey serves as President of the Board of Directors of the International Code Council, a volunteer role to which he was elected in national leadership of a membership association of over 42,000 building safety and fire prevention professionals. It is this group that develops the building and fire codes that are in use all across our country for the construction and maintenance of our residential and commercial buildings, including the homes and the businesses, schools, and places of worship we visit regularly. These codes, created and maintained through a voluntary consensus development process, are in use by over 22,000 U.S. jurisdictions, including those who govern the quality, safety and energy efficiency of building construction at the local, State and Federal levels.

For the past three decades, Mr. Bailey has been a tireless advocate for building safety through superior building codes and effective building code administration. As the Director of Development and Construction for the City of Fort Smith, he supervises activities of a multidisciplined department that governs codes administration, inspections, plan review, property maintenance, historic preservation and land development. As a matter of note, 2 years ago he celebrated a quarter century of service to the City. Since 1999, in addition to his work with the City of Fort Smith, Mr. Bailey has served in leadership positions with the ICC, culminating in his present role as President of the Board. Besides his being a distinguished citizen of my District, in my opinion, ICC's membership elected a leader who is an outstanding public safety professional and a truly dedicated public servant.

I would also like to take this opportunity to recognize the rest of the ICC delegation who visited Capitol Hill during Building Safety Week 2007, and thank them for their efforts to promote and defend a safe and sound built-environment. Those individuals include: Board Vice President Steven Shapiro, Board Secretary/Treasurer Adolph Zubia, Immediate Past President of the Board Henry Green; Board members Gregori Anderson, Edwin Berkel, James Brothers, John Darnall, William Dupler, Gerald George, Greg Johnson, Barbara Koffron, John LaTorra, Ronald Lynn, Doug Murdock, Ronald Piester, and James Ryan; ICC Government Relations Advisory Committee members Rebecca Baker, James Martin, Betts Nixon, Emory Rodgers, and George Wiggins; ICC Chapter Leaders Paul Aston, Roger Axel, Kurt Kasson, Sheila Lee, and Tina Rakes. Members of ICC's professional staff included its CEO Rick Weiland as well as Dominic Sims, David deCourcy, Sara Yerkes, James Tidwell, Mark Dinneen, Richard Kuchnicki, Laura Scott, Peter Feldman, and International Accreditation Services President Charles Ramani.

IN HONOR OF THE WELCOME HOME A HERO PROGRAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. SESSIONS. Madam Speaker, I rise today to recognize the Welcome Home a Hero program at Dallas/Fort Worth International Airport. Every day, more than a hundred troops come through DFW on their way home from Iraq and Afghanistan for Rest and Recuperation. Since Welcome Home a Hero's inception in 2004, coordinated volunteers have gathered at the airport each day to greet our brave men and women serving our country and to make sure they receive the warm homecoming they have earned.

Welcome Home a Hero is a result of the dedication of the North Texas Commission, the employees at DFW International Airport, the USO, the Boy Scouts of America, local businesses and thousands of volunteers. This program is one of the largest and most effective community initiatives in north Texas, and its positive impact on the morale of our troops has not gone unnoticed.

As the 500,000th soldier arrives at DFW International Airport this month and the program approaches its 3-year anniversary, I want to thank all involved in this valuable effort. The dedicated and selfless participants of this valuable program are what make our country great.

The North Texas Commission, DFW Airport employees, the USO and all of the volunteers should be proud of their leadership and accomplishments. I am extremely grateful for their dedication to our troops and our country, and I applaud the people of north Texas for taking the initiative to create this program.

A TRIBUTE TO MICHAEL METTS

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BILBRAY. Madam Speaker, I would like to bring to your attention today the many outstanding achievements of Mr. Michael Metts, the outgoing president of the Carlsbad Hi-

Noon Rotary Club. Michael's leadership during 2006 and 2007 has contributed significantly to the Hi-Noon Rotary Club and the community of Carlsbad. During his tenure, membership exceeded one hundred people and the Hi-Noon Rotary Club awarded $28,000 for high school scholarships. In addition, under his leadership the Carlsbad Hi-Noon and Carlsbad Evening Rotary clubs partnered to sponsor the annual Oktoberfest fundraiser, a community event which provided over $26,000 to the Carlsbad Women's Resource Center, The Boys and Girls Club of Carlsbad and Community Youth Services.

During his presidency, a number of other projects were completed. These projects included providing volunteers to help maintain public and private property, provide food and clothing for the needy and the homeless and assist in the distribution of food, clothing and toys to needy Carlsbad families in conjunction with the Carlsbad Christmas Bureau. A Children's Christmas party and dinner for very needy elementary school students was also provided. In an effort to improve literacy, badly needed bilingual dictionaries were provided and distributed in English and Spanish speaking elementary schools. In addition a book a week was contributed to a school library and mentors were also provided for the "City Stuff" program. This program promoted an understanding of the working of city government for young Carlsbad school children.

Michael's leadership also contributed to the hosting of exchange students from 11 foreign countries, the sponsorship of a Model UN Project, the building of a house for a needy family and dental care and financial aid for impoverished children in Mexico. Support was also provided to our deployed service personnel overseas.

I hope my colleagues will join me in recognizing the many fine achievements of Michael Metts. Without question, his leadership and the fine work of the Carlsbad Hi-Noon Rotary Club are worthy of recognition by the House today.

HONORING THE ARTISTIC ACCOMPLISHMENT OF VINCENT GIACALONE OF EMERSON, NEW JERSEY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to commend twelve-year-old Vincent Giacalone of Emerson, NJ, whose artistic submission to the UPS Store Design Dale's New Ride contest took the top prize.

The contest was sponsored by UPS to raise awareness and funds for the U.S. Marine Corps Reserves' Toys for Tots program, which distributes toys to needy children across the nation each year. Since its beginning in 1947, when Major Bill Hendricks led a group of Marine Reservists in Los Angeles to collect and distribute 5,000 toys to needy children to brighten up their Christmas, Toys for Tots has grown to be a program almost synonymous with the holidays. Over its 59-Christmas-history, Toys for Tots has distributed 370 million toys to more than 173 million needy children.

Vincent's prize-winning artwork will emblazon NASCAR's Dale Jarrett's #44 Camry at an October 28th race in Atlanta. This date marks the kick-off of the fundraising campaign for the Toys for Tots Foundation in 2007. Since its inception 16 years ago, the Foundation has supplemented the Marine Corps' local toy collections with more than 70.2 million toys valued at more than $387 million and has provided valuable promotion and support materials.

I commend young Vincent Giacalone for being a part of a program that helps so many children his own age share in the spirit and joy of the holidays each year.

HONORING THE 100TH ANNIVERSARY OF UPS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. COSTELLO. Madam Speaker, I rise today to ask my colleagues to join me in honoring the 100th anniversary of UPS.

In 1907, Jim Casey founded the American Messenger Company, in Seattle Washington, with $100 borrowed from a friend. Within its first 12 years in business, the company would change its name to Merchants Parcel Delivery and then to United Parcel Service. That name lasted until 2003 when the company adopted the acronym, UPS, familiar to customers worldwide, as its official corporate name.

The world has changed drastically in the 100 years since Jim Casey started his delivery business in Seattle. UPS has not only adapted to those changes but it has been an industry leader through the innovative ways it conducts its business. In 1907, most deliveries of the American Messenger Company were on foot. Longer distances required the use of bicycles for transportation. Deliveries included, as the initial company name implied, messages as well as parcel deliveries from merchants and meals from local restaurants.

The reputation of the American Messenger Company grew because of the guiding principle of the founder, "best service and lowest rates." As their reputation and business expanded, the company also increased its territory, first to include the entire west coast, then to the New York City market in the 1930's. Through aggressive battles with regulating agencies, UPS finally expanded its territory nationally to be the first package delivery company to have access to every address in the 48 contiguous states in 1975.

As the company's territory expanded, it had to also adapt to the evolution of its core business. As the landscape of transportation and communication improved dramatically in the early part of the 20th Century, the need for messenger service declined. With gas and rubber rationing imposed during World War II, many stores cut back on their customer deliveries. Customer demand for rapid service necessitated the need for air transportation. The need for real-time information on delivery status required new technologies and information systems. With each of these developments, UPS not only adapted, but led the industry.

Today, UPS is a global corporation that not only delivers packages but provides management and information services to meet the growing demands of their customers. UPS continues to be innovative. As an example, they have the largest fleet of alternative-fuel vehicles in the industry, traveling a combined 126 million miles since the year 2000. Through all of its growth and innovation, UPS remains true to its founder, Jim Casey's slogan, "best service and lowest rates."

Madam Speaker, I ask my colleagues to join me in congratulating the management and employees of UPS as they celebrate their 100th anniversary.

IN RECOGNITION OF JERUSALEM DAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker. I rise today to join the Jewish people in Jerusalem and throughout the world in celebration of Yom Yerushalyim, Jerusalem Day.

On June 7, 1967, the 28th of Iyar 5727, the Israel Defense Forces in the heat of the Six-Day War unified the city of Jerusalem under Jewish control. At approximately 10 a.m. on that day, the earth shattering proclamation "The Temple Mount is ours. It is in our hands" reverberated in the hearts of Jews across the globe. The dream of once again being able to visit the Kotel, the Western Wall, and other previously inaccessible holy sites of Jerusalem, had become a reality. In the subsequent years to follow, Jewish people from every nation on earth would make pilgrimages to the holy city of Jerusalem to visit its revered sites and offer their heartfelt prayers.

Every stone in Jerusalem is saturated with Jewish history, every street contains a story and saga from biblical times, as well as modern times. Even though Jerusalem is a city laden with rich archeological artifacts, and remnants of ancient times, it has become a thriving city that has preserved its historic nature and adapted to modern life. Beautiful shopping malls, fresh food markets and restaurants are commonplace in Jerusalem, which emphasizes the enormous cultural advancements that the modern State of Israel has made in its short existence.

Perhaps one of the most moving aspects of modern day Jerusalem is its abundance of Yeshivas, Kollels and the prominence of Jewish religious life. It is truly inspiring to see Jews, young and old immersed in the deep study of Jewish texts. Many Hasidic sects and other Orthodox institutions based in my district have satellite branches in Jerusalem and quite a few of my young constituents study Judaism in Jerusalem and return to the United States invigorated from their experiences.

Madam Speaker, I am honored to recognize this very jubilant day and reaffirm my unflinching support for the city of Jerusalem and the State of Israel.

ANNOUNCING THE INTRODUCTION OF A RESOLUTION TO DESIGNATE THE THIRD WEEK OF OCTOBER AS ''NATIONAL TEEN DRIVER SAFETY WEEK''

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. DENT. Madam Speaker, today I will introduce legislation to designate the third week of October as ''National Teen Driver Safety Week.''

Unfortunately, roughly 7,500 teenage drivers were involved in fatal car crashes in 2005. The time has come for us to recognize this terrible problem and consider effective interventions that will help reduce the number of accidents involving teens.

On Monday, January 22, 2007, following a tragic accident that claimed the lives of two Pennsylvania high school students, the Morning Call compiled a report of fatal crashes involving teens that had occurred in the Lehigh Valley region since 2001. This report indicated that there were a total of 13 fatalities between 2001 and 2006, with alcohol involved in two of the seven accidents reported. Other contributing factors included racing and reckless behavior. Sadly, it appears these events could have been prevented, enabling these children to reach their destinations safely.

To address this troubling issue, the Children's Hospital of Philadelphia is currently conducting research that will help develop the best interventions to reduce the risk of crash injury for teen drivers and travelers sharing the road with them. The alliance of CHOP and State Farm Insurance Company, its partner in this initiative, is nationally recognized for its research and outreach involving child passenger safety. However, this year they have expanded their agenda from the car seat to the driver's seat in an effort to address the cause of motor vehicle crashes, the leading cause of death among American teenagers. Together, CHOP and State Farm have conducted research indicating that teens often drive while distracted and fatigued. I believe this alliance between CHOP and State Farm brings together a wide range of expertise in research and outreach—translating scientific evidence into actions that will help save lives.

It is important that Congress supports efforts to effectively educate teens and families about ways to address these problems. This resolution will support the goals and ideals of a week in which intensive programming will be used to encourage teens to drive more safely. By perhaps delaying exposure to risky driving conditions until they have enough supervised driving experience, managing peer-to-peer interactions around driving, and reinforcing the need to detect and react to hazards more appropriately, teens will be better prepared to drive responsibly.

Madam Speaker, teens are dying in crashes at a rate of four times that of adult drivers and we must act now to prevent future tragedies.

HONORING CAPTAIN MARK SPONENBURGH

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Ms. HOOLEY. Madam Speaker, I rise honor Captain Mark Sponenburgh, a remarkable and distinguished constituent of mine from Seal Rock, OR. On this 63rd anniversary of the ''D–Day'' landings in Normandy, a ceremony is being held in Washington, DC to celebrate the dozen remaining ''Monuments Men'' who served our country with honor and valor during World War II. While Captain Sponenburgh was unable to attend today's ceremony, I wish to take this opportunity to acknowledge the countless contributions he has made to our country and community.

Over the years, Captain Sponenburgh has served others in a variety of capacities. He volunteered for the U.S. Army in 1942 where he was commissioned in the Corps of Engineers. Stationed in Britain, he served campaigns in Normandy, Northern France, and Luxembourg before requesting to be transferred to the Monuments, Fine Arts & Archives section program under the Civil Affairs and Military Government Sections of the United States Armed Forces.

During World War II, Nazi dictator Adolph Hitler ordered covert missions to locate and secure art from every region his regime conquered in Europe. As a member of the ''Monuments Men,'' Captain Sponenburgh joined an elite multinational force of more than 350 men and women serving on frontline military units during and after WWII to preserve, protect and liberate artistic and cultural treasures in countries occupied by the Allied armies.

Responsible for having tracked, identified and catalogued millions of priceless works of art and irreplaceable cultural artifacts stolen by Hitler and the Nazis, the heroic deeds of these unsung heroes continue to benefit us all today.

In addition to having studied and taught in Britain, France, Egypt, and Pakistan, Captain Sponenburgh brought his many years of experience and skills to the University of Oregon as well as Oregon State University. Admired by his students for his passion and intellect, he was sorely missed when he entered retirement.

I joined my colleagues in this chamber last month in passing a resolution honoring the great contributions made by all members of the ''Monuments Men,'' but today I rise, Madam Speaker, to ask my colleagues to join me in honoring Oregon's last living member, Captain Mark Sponenburgh.

IN RECOGNITION OF D–DAY

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise to honor our brave military forces who on this day in 1944—63 years ago—landed on Utah and Omaha beaches, two of the five beaches at Normandy on a mission known as Operation Overlord, the D–Day invasion.

Today we honor those who never made it ashore, drowning from the weight of their gear or killed by the enemy as they struggled out of the water. The ones who did make it fought valiantly on those beachheads and further on through many campaigns in Europe during World War II.

There are fewer and fewer of the Great Generation left with us today, but their sacrifice for our country and their dedication to protecting freedom and democracy lives on.

On this day, which commemorates the beginning of the Allied forces effort to liberate mainland Europe from Nazi occupation during World War II, I ask that everyone take a moment to remember all of these brave souls and salute them. We are forever grateful for their service and their sacrifice to protect freedom for future generations.

INTRODUCING THE SANCTITY OF LIFE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PAUL. Madam Speaker, I rise today to introduce the Sanctity of Life Act. The Sanctity of Life Act provides that the Federal courts of the United States, up to and including the Supreme Court, do not have jurisdiction to hear abortion-related cases. The legislation also clarifies that State and local courts do not have to treat Federal cases overturning State abortion laws as binding precedent.

Abortion on demand is no doubt the most serious sociopolitical problem of our age. The lack of respect for life that permits abortion significantly contributes to our violent culture and our careless attitude toward liberty. Whether a civilized society treats human life with dignity or contempt determines the outcome of that civilization. Reaffirming the importance of the sanctity of life is crucial for the continuation of a civilized society. There is already strong evidence that we are on the slippery slope toward euthanasia and non-consensual human experimentation. Although the real problem lies within people's hearts and minds, the legal problems of protecting life stem from the ill-advised Roe v. Wade ruling, where the court usurped the State's authority over abortion. Congress can, and should, take a major step toward restoring respect for all life by using the authority granted to it in Article 3, Section 1 of the Constitution to rein in rogue Federal judges from interfering with a State's ability to protect unborn life.

Madam Speaker, it is my hope that my colleagues will join me in support of this bill. By following the Constitution and using the power granted to the Congress by the Constitution, we can restore respect for the sanctity of human life.

PERSONAL EXPLANATION

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. COOPER. Madam Speaker, I was absent on Tuesday, June 5th, 2007. Had I been

present for votes, I would have voted ''yes'' on each of the five votes taken: H. Res. 397, H. Res. 422, H. Res. 430, H. Res. 451, and H. Res. 452.

CALLING ON THE GOVERNMENT OF CHINA TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H. Res. 422, a resolution calling on China to use its unique influence and economic leverage to stop genocide and violence in Darfur.

I would like to thank the Congresswoman from California for her dedication to human rights throughout the world and especially in Darfur.

I was pleased to be a cosponsor of this bill and pleased that this Congress will not let the ongoing genocide go unnoticed or ignored.

What's taking place in Darfur today is truly a crime against humanity. Every day women are raped, men are killed, and children face violence, hunger, and desperation.

China has chosen to continue to invest in Sudan and to prop up a government bent on murder and bloodshed. Let us be clear: any country that supports the Khartoum government's brutality—either through monetary or military support—is complicit.

I urge the support of this resolution and call on our own administration to take immediate actions to bring an end to the genocide in Sudan.

A TRIBUTE TO OSWALD ''OZZIE'' TORRES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Mr. Oswald ''Ozzie'' Torres who is being honored at the International Association of Lions Club District 20–K1 Governor's Testimonial Dinner. Mr. Torres, a native of Brooklyn, NY, is a successful Certified Public Accountant who credits his achievements to his caring parents Osvaldo and Lydia Torres.

Mr. Torres decided to follow in his father's footsteps and establish a career in accounting. Together they are the driving force of the firm Torres and Associates.

Mr. Torres has been a member in good standing of the Brooklyn Caribe Lions' Club since 1995 and has received numerous recognition awards from Lions Club International. Among those honors include; the Progressive Melvin Jones Fellowship and the Robert J. Uplinger award from District 20–K1.

Mr. Torres has been a presenter at many orientation sessions and workshops speaking in both English and Spanish. He has served District 20–K1 as Chairman of International Understanding and Cooperation, Leadership, Membership; Business Manager of the Kings and Queens Publication; Zone and Region Chairman; Cabinet Secretary and Treasurer; Vice-District Governor; and currently District Governor.

Mr. Torres has served the communities of both Brooklyn and Queens and has previously been named ''Business Person of the Year.'' He is a member and Executive Board Officer of the Boricua Festival of New York and is an Executive Member of the Woodhull Hospital Auxiliary Board.

Mr. Torres is married to Melissa Torres and has two sons Michael and Brandon.

Madam Speaker, I would like to recognize this pillar of our community for all of his contributions.

Madam Speaker, I urge my colleagues to join me in paying tribute to Oswald ''Ozzie'' Torres.

SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2007

SPEECH OF

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. COSTELLO. Mr. Speaker, I rise today in support of H.R. 1469, the Paul Simon Study Abroad Foundation Act, which will significantly enhance opportunities for Americans to gain international education, build understanding and respect among different cultures, and enhance leadership in the global community.

Senator Paul Simon embodied the role of concerned citizen, which is the essence of this program. Starting his career in the newspaper business, he served in the Illinois General Assembly and as Lt. Governor of Illinois, and later was our colleague in the U.S. Congress, where he served in both the House of Representatives and the Senate.

Senator Simon was a great believer in the hope that good government can instill in people, and was widely regarded for his commonsense, hard work and integrity. In addition, Senator Simon was proud of Southwestern and Southern Illinois, where he got his professional start, entered politics and lived much of his life. It was a pleasure to serve with him and it is important for young Americans to know about his career and ideals.

As a professor and author of numerous books, Senator Simon was passionate about education. He was particularly interested in the need for American students to travel abroad to learn about different peoples, their languages and their cultures. In this way, the United States would be better able to understand and work with other nations.

Today, only one percent of U.S. undergraduate students participate in a study abroad program during their degree program. This statistic shows the United States is failing to take advantage of a valuable tool that should be used to enhance our standing in the world and to improve our Nation's security.

Mr. Speaker, as economic competition and national security continue to defy geographical boundaries, the need for our students to gain international knowledge greatly increases. That is why, Mr. Speaker, I urge my colleagues to support the Paul Simon Study Abroad Foundation Act.

HONORING THE LIFE AND ACHIEVEMENTS OF THE LATE PARREN JAMES MITCHELL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, today I rise to pay tribute to the life and acheivements of Parren James Mitchell, the first black Congressman to represent the State of Maryland, 1 of the 13 founding members of the Congressional Black Caucus, CBC, and a champion of civil rights. Mr. Mitchell was a powerful force in the 20th century resurgence of Black political strength in the United States and I was proud to serve with him in the Congress.

Born in Baltimore, MD, on April 29, 1922, Parren Mitchell was the ninth of 10 children in his family. He earned a bachelor's degree from Morgan State College in 1950 and was the first Black to earn a master's degree from the University of Maryland—College Park in 1952, after a successful suit that granted him fair admission, Mitchell returned to his undergraduate institution to teach sociology and serve as the assistant director of the Urban Studies Institute. He was also a commissioned officer of the 92nd Infantry Division during World War II, receiving the Purple Heart.

Having amassed more than 3,000 awards and 14 honorary degrees, Mitchell was a leader in politics and business. He served on the Supreme Bench of Baltimore City from 1954 to 1957 and as executive director to both the Maryland Human Relations Commission and Baltimore Community Action Agency.

Mr. Mitchell was elected to the 92nd United States Congress in 1971 and reelected for seven successive terms. As the first Black to head the House Committee on Small Business, his greatest triumph was in leading a fight to ratify bills providing special aid to Black business owners on the grounds that Blacks had been subjected to discrimination for generations. In addition to heading the Small Business Committee, he was also Democratic whip at large, the senior member of the House Banking, Finance and Urban Affairs Committee, and chairman of its Subcommittee on Domestic Monetary Policy.

In 1980, Mitchell founded the Minority Business Enterprise Legal Defense and Education Fund, Inc., MBELDEF, whose accomplishments include a successful lawsuit against Burger King in 1988 for discriminatory practices in awarding franchises.

As a mentor to African Americans committed to improving American civil rights, such as former president of the National Association for the Advancement of Colored People, NAACP, Kweisi Mfume, Mitchell was selflessly committed to uplifting his people and was even referred to during his chairmanship of the CBC as ''the Little General.''

Parren is remembered in Congress as a soft-spoken yet eloquent speaker with a large presence. Former Chair of the Senate Foreign Relations Committee Richard Lugar asserted it was Mitchell's impassioned plea for sanctions against South Africa that persuaded him to accept a tougher measure than the Senate originally backed in 1985.

Parren, along with other family members have dedicated their careers to public service and specifically to representing the people of

Baltimore for many years. His brother, Clarence Mitchell, Jr., the late civil rights activist, was the chief lobbyist for the NAACP for 30 years and was instrumental in the passage of several civil rights bills. Two of his nephews, Clarence M. Mitchell III and Michael B. Mitchell, Sr., were elected as Baltimore city councilmen and Maryland State senators. His nephew, Keiffer Mitchell, is currently serving as a Baltimore city councilman and plans to campaign for the upcoming mayoral election in Baltimore city. His legacy of inspiring others to serve the public still lives on.

In remembering the life of Parren Mitchell, I am grateful to have known him personally and am confident that America is a better place because he lived.

HONORING THE COMMITMENT OF HERB HICKS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to honor Herb Hicks as he celebrates his 40th year of perfect attendance as a Rotarian. A dedicated man, Hicks has been present for over 2,000 weekly Rotary meetings.

Hicks helped found the Cantonment Rotary Club in 1948. He later became the club's fifth president. Furthermore, Hicks has received the honor of being named a Paul Harris Fellow in Rotary, a privilege reserved for those who have donated $1,000 to the club. At 93 years of age, Hicks is the last charter member of the civic organization; yet he continues to play an important role at his local Cantonment Rotary Club.

Paul Frederick, current president of the Cantonment Rotary, explained, ''Herb is one of the exemplars in this club. He leads by example and attendance to Rotary functions is one thing this club stresses. No one in this area has a longer perfect attendance record.'' He also pointed out that Hicks hosts an annual picnic for Rotary members and family.

Hicks is very clear on his priorities, saying, ''I think Rotary is important. I put church first and Rotary second in my life.'' Hicks admits to cutting many business meetings short in order to be present for his 12:15 p.m. Wednesday meetings. However, for circumstances that were unavoidable, Hicks had a backup plan. Rotary International allows missed meetings to be made up by attending other local Rotary club meetings. Hicks divulged, ''I have attended make-up meetings everywhere in the United States.''

In total, Hicks has been a member of Rotary for 59 years. The dedication exemplified can only be explained by Hicks as he said, ''I like the fellowship and I like what Rotary does, I like its world-wide outreach and I believe in its principles and high ethical standards.'' To put it simply, Hicks asks, ''If you are not going to attend, why belong?''

Madam Speaker, I would like to offer my congratulations to Hicks as he has not only set a precedent for the Rotary, but also has challenged the commitment of those before me today. I take pride in Hick's determination, and I wish him all the best.

HONORING LEE HAYES OF THE TUSKAGEE AIRMEN

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize a great American patriot and World War II hero, Lee Hayes, of the renowned Tuskegee Airmen.

In 1941, the formation of the all African-American squadron based in Alabama, the Tuskegee Airmen, was largely regarded as an ''experiment'' by the U.S. military to test the combat readiness of an all-black fighting squadron. These brave servicemen demonstrated exceptional selflessness and patriotism as they fought two wars for our country—one against the enemy overseas and the other against segregation and discrimination at home.

Among the honors bestowed upon the Tuskegee Airmen include 150 Distinguished Flying Crosses, 744 Air Medals, 14 Bronze Stars, and 8 Purple Hearts. Most recently, they were awarded the Congressional Gold Medal, the highest honor that the legislative branch can bestow.

I am proud to call one of the Tuskegee Airmen a friend and neighbor. His name is Lee Hayes. He was raised on Long Island and is a current resident of Amagansett, New York. At 88 years young, Mr. Hayes was born in Mannboro, Virginia. In the 1930s, Lee's family moved to eastern Long Island, where he attended East Hampton High School.

Lee Hayes developed an interest in flying planes at a young age, while keenly aware of the sad racial realities of the time. In his own words: ''I never thought much about whether or not blacks fly airplanes . . . It didn't occur to me that we didn't, and the more I thought about it, the more I wanted to do it.''

After the Army drafted him and after scoring a 94 on the preliminary examination, Mr. Hayes impressed his instructors by quickly learning to fly the B–25 bomber. Mr. Hayes never entered combat, as the war ended shortly before he finished his pilot training. He was honorably discharged and returned to East Hampton.

Madam Speaker, it is truly an honor to represent Lee Hayes in the U.S. House of Representatives. On behalf of a grateful nation, I encourage my colleagues to join me in honoring Lee Hayes and the Tuskegee Airmen for their extraordinary bravery and contributions to our Nation.

IN RECOGNITION OF CATHERINE BOHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Catherine Bohan, for her outstanding efforts in educating children, and for her lifelong commitment to family, colleagues, and friends.

Cathy has educated and enlightened our children and prepared them for life's journey for approximately 40 years, including 13 years at Saint Richard School where she currently teaches third grade. She has proven herself a wonderful teacher, colleague and friend. Not only does she teach at Saint Richard School, but she also makes a tremendous contribution as member of the Liturgy Committee, a Eucharistic Minister, a Praxis Pathwise Mentor, and a member of the Retreat Committee.

Likewise, her services to Saint Clarence Church as RCIA Leader, Eucharistic Minister, PSR Teacher and Pre-Cana organizer while at the same time raising three beautiful children, is truly admirable. She has been married to her beloved husband, Patrick, for 30 years.

Madam Speaker and colleagues, please join me in honoring Catherine Bohan for her long and successful career as an educator and for her dedication to and care for the future generations of Northeast Ohio.

CALLING ON THE GOVERNMENT OF CHINA TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. AL GREEN of Texas. Mr. Speaker, I wish to support H. Res. 422, a resolution calling on the government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan. This resolution highlights China's inaction regarding the genocide in Darfur and I am particularly proud to be a cosponsor of this resolution.

Since the conflict began 4 years ago, 400,000 persons have been murdered and 2.5 million displaced. Thousands are still dying from the ravages of war each month in an area roughly the size of Texas. This campaign of terror in the region has been labeled ''genocide'' by our Government.

China is Sudan's largest trading partner and the main foreign investor in Sudan's oil industry. China National Petroleum Corporation has a 40 percent share in the international consortium extracting oil in Sudan, and it is building refineries and pipelines, enabling Sudan to benefit from oil-export-revenue since 1999. Although most Western oil companies have withdrawn from Sudan under pressure from human rights organizations, Chinese companies have turned a blind eye to the brutal way in which Sudan forced 2.5 million of its citizens from oil-rich lands without compensation. Nor have these companies shown concern that Sudan uses oil revenue to purchase arms for its wars against its population.

Mr. Speaker, countless people have spoken out against the tragedy taking place in Darfur, but now it is time for elected leaders to demand that action be taken to end this genocide in Darfur. If we fail to take action it is likely that future generations will view our inaction as complicity. I am hoping that our government will do everything in its power to stop this genocide. Additionally, it is my strong desire that the international community, including China, do everything in its power to end this genocide as well.

H. Res. 422 calls on the People's Republic of China to acknowledge and condemn the violence taking place in Darfur, cease all military

arms and equipments sales to Sudan, and suspend economic ties to Sudan until the Government of Sudan stops attacking civilians, complies with UN Security Council resolutions, and enters into peace negotiations with rebel groups.

Mr. Speaker, I urge my colleagues to join me in supporting H. Res. 422, a resolution calling on the government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan.

A TRIBUTE TO REVEREND DR. CLARENCE KEATON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOWNS. Madam Speaker, I rise today to honor Brooklyn resident Reverend Dr. Clarence Keaton. Reverend Dr. Keaton was born to parents Clarence Keaton Sr. and Mary F. Keaton. Dr. Keaton is the forth of seven children.

Reverend Dr. Keaton, affectionately known as Pastor of Pastors (POP) by his congregants and ''Pastor Teacher'' by his peers, has marked himself as a leader of change both in the clergy and throughout his community. The Reverend Dr. Kenton's path to the church was nearly derailed when during his youth, he became a gang leader. It was during that time Reverend Dr. Keaton received his divine calling going from leading gangs in the street to leading gangs to the church.

Reverend Dr. Keaton joined the ministry of Free Mission Apostolic Church under the tutelage of Pester Walter L. Dunlap. It was here Reverend Dr. Keaton taught for nearly a decade as a biblical instructor. In 1983, Reverend Dr. Keaton was ordained and blessed to establish the True Worship Church, and in 1985. Reverend Dr. Keaton's ministry grew at such a rapid pace that by September 21, 2001 he managed to build a new Cathedral on the property.

Reverend Dr. Keaton brings his divine wisdom to the community in a way which fosters growth and brotherhood. He is a leader who recognizes the plight of troubled youth and offers mentoring, guidance, and an outlet in prayer. His ministry truly meets the need of the people offering Computer Literacy classes, Deaf Ministry, Day Care Services, a Church news letter entitled, ''The Voice of worship'', and a Web site which keeps both the members and the community abroad informed of upcoming events and services.

Reverend Dr. Keaton has been recognized for his great contributions to the community, in an honorary doctorate of Divinity degree from Jesus Saves Bible Institute; citations for outstanding community service from former Councilwoman Pricilla Woolen, former Brooklyn borough president Howard Golden and current Borough president Marty Markowitz. Among his greatest honors are his wife Eartha Keaton, his four loving children; Tersha, Shawn, Tiffany, and Clearance III and amazing grandson, Kamari.

Reverend Dr. Clarence Keaton continues to serve as pastor and overseer of True Worship Church as the Presiding Bishop and founder of the True Worship Church Worldwide Ministries.

Madam Speaker, I would like to recognize Reverend Dr. Keaton's tremendous contribution to his congregants and the community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful man and his tireless contribution which is a testament to the American spirit.

IN HONOR OF DR. KWAME NKRUMAH AND THE 50TH ANNIVERSARY OF GHANA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the life and contributions of the late Dr. Kwame Nkrumah and to acknowledge the 50th anniversary of the independence of Ghana, which is being recognized and celebrated this year. Kwame Nkrumah is the father of his nation, Ghana, and its anniversary of independence is an appropriate time for us to recognition his contribution. I introduce into the CONGRESSIONAL RECORD an article from CaribNews by Michael D. Roberts.

Dr. Nkrumah was born on September 21, 1909 in Ghana, the same country he led to liberation from Great Britain and was elected as Prime Minister in 1960. He attended college in the United States, studied philosophy, and developed an interest in the ideas of Marcus Garvey. Realizing the need for self government, he served as General Secretary of the United Coast Gold Convention, a political party interested in Ghana's independence. Involvement in this movement was unconventional and by all means unpopular. Despite, the lack of popularity, Dr. Nkrumah, had a vision not only for Ghana, but for all African countries. His leadership inspired 23 other African nations to gain independence in just 3 years after his election.

In addition to inspiring African countries to gain independence, Dr. Nkrumah envisioned unity. His vision to unite African countries was embodied with his influence in founding the Organization of African unity, established on May 25, 1963. The organization focused on ways to unify African nations and to speak with one continental voice. The organization changed over the years and was replaced with the African Union in 2001.

On March 6, 2007, Ghana celebrated the 50th anniversary of its independence. Celebrations were held all over the country and attended by world leaders. I pay honor and homage to Kwame Nkrumah for dedicating his life to Ghana democracy and working towards unifying African nations. His legacy and work still lives on with the celebration of Ghana's independence 50 years ago.

[From CaribNews]

KWAME NKRUMAH: THE MAN AND HIS TIMES—GHANAIAN POLITICAL VISIONARY, PAN-AFRICANIST AND ADVOCATE OF AFRICAN UNITY

(By Michael D. Roberts)

The African Antecedent: Setting the Stage for Africa's Independence

''Our independence is meaningless unless it is linked up with the total liberation of the African continent.'' Kwame Nkrumah, Accra 1957.

Those words were uttered 6 years before the formation of the Organization of African Unity (OAD) on the 25th May 1963. It was an organization formed with the express purpose of uniting all of Africa but from the onset those leaders who signed this historic document in Ethiopia, were divided by insularity and a profound lack of vision. That is all of them except one.

Today his vision has been realized and modified, perhaps for better or worse—no one knows—in the development of the African Union (AD) that came into being in 2001. This new organization replaced the OAU that many felt had did its time and served its purpose but was unrealistic and lacked any new mechanism for dealing with the vagaries of modern, emerging Africa and the rest of the world.

But his vision and steadfast belief in African Glory has made him a legend in his lifetime and clearly one of the great sons of Africa. Today, he stands tall for his contribution to African political consciousness and African unity. He was a man whose ideas were far advanced for the era in which he served. In 2007 Africa needs to revisit his life and times. His name was Kwame Nkrumah. As Ghana's leader he had developed a reputation of total commitment to the improvement of not only the people of Ghana, but all of Africa. In a very real way the building blocks for today's modem Africa is the sacrifice and vision of leaders like Nkrumah. Observe that on the eve of the signing of the document that would formally ratify the OAU this was the warning that Nkrumah gave to African leaders about the powerful forces lined up against the continent:

''Our essential bulwark against the sinister threats and other multifarious designs of the neocolonialists is in our political union. If we are to remain free, if we are to enjoy the full benefits of Africa's rich resources, we must unite to plan for total defense and the full exploitation of our material and human means, in the full interests of all our peoples. To go it alone will limit our horizons, curtail our expectations, and threaten our liberty . . . Unless we meet the obvious and very powerful neocolonialists' threats with a unified African front, based upon a common economic and defense policy, the strategy will be to pick us off and destroy us one by one.''

Nkrumah's prophetic and visionary words were based on his profound study of how Europe colonized Africa and his experiences abroad. His study of Garveyism, the ideology of Marcus Mosiah Garvey, lent his thoughts and actions a sense of African pride and independence. But more than that Nkrumah demonstrated selfless leadership and completely dedicated himself to the emancipation of his people.

HONORING THE RETIREMENT OF STEPHEN TOWNLEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. MILLER of Florida. Madam Speaker, I rise today to honor one of Florida's finest, Mr. Stephen Townley, upon his retirement from the public service system. May 9, 2007 marked Townley's 30th year of duty under the United States Judicial Branch.

After graduation from the University of South Carolina in 1973, Townley began his career as a probation officer in Milton, Florida. Advancing rapidly, Townley was appointed a United States Probation Officer in 1977 then was promoted 8 years later to United States

Probation Officer in the Northern District of Florida.

At the request of District Judge William Wilkins, the first Chairman of the U.S. Sentencing Commission, Townley aided the development of the U.S. Sentencing Guidelines. In this position, Townley worked to guide fair criminal sentencing, ensuring just punishment and the safety of his community. Later, Townley served on the Probation Officers Advisory Group to the U.S. Sentencing Commission.

In 1990, Townley was named Supervising U.S. Probation Officer and was promoted 2 years later becoming the Northern District's first Deputy Chief Probation Officer. During his last 8 years of service, Townley held the position of Chief Probation Officer of the Northern District of Florida. To his community, he embodies the epitome of loyalty, as he strove daily to keep danger away from the public.

Madam Speaker, I would like to offer my sincere and heartfelt congratulations to Mr. Stephen Townley on his 30th anniversary in serving the public. For the past 30 years, he has dedicated himself towards helping the residents of Northwest Florida and for that we will be forever grateful. I wish him the best in his retirement.

HONORING COAST GUARD CAPTAIN PETER J. BOYNTON

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BISHOP of New York. Madam Speaker, I rise to honor and recognize a committed and respected serviceman, retiring Coast Guard Captain Peter J. Boynton, for his distinguished career.

Captain Boynton has much to be proud of in his 28 year long career with the U.S. Coast Guard. Serving 10 years at sea aboard six different cutters, his experience and commitment is not easily matched; and in June 2004, Boynton accepted the Commander position of the Long Island Sound sector.

As commander, he led 490 active duty military and civilians, 180 uniformed reservists, and 1,800 volunteers with the Coast Guard Auxiliary at 16 operational units. From his command, Captain Boynton oversaw a number of issues and missions involving coastal Connecticut, the Long Island Sound, Long Island, and offshore up to 200 miles. These included life-saving rescues, pollution responses, security enhancements, ice breaking missions, and counter narcotics enforcement operations.

Captain Boynton also served as White House Director of Global Affairs on the National Security Council and at the Department of State as coordinator of international Coast Guard operations. In addition, he has served as Chief of Intelligence for a multi-agency drug task force.

Captain Boynton's successor for the Commander position had this to say: "Captain Boynton has been an outstanding Sector Commander who has selflessly served the people of Connecticut and Long Island for these past 3 years. I understand I have some big shoes to fill following his retirement and I will work my hardest to continue Sector Long Island Sound's track record of exemplary service to the maritime community".

Captain Boynton will retire to Connecticut with his wife Susan, and their three children. Madam Speaker, I thank and congratulate Captain Boynton for his outstanding service and a highly distinguished career. We wish him and his family continued success and a bright future in the years ahead.

IN RECOGNITION OF THOMAS J. SCANLON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Thomas J. Scanlon as the 2007 recipient of the Cleveland-Marshall College of Law Alumni of the Year Award. His ongoing support of the School, as well as commitment to the community, has made him a worthy recipient.

Since his graduation from Cleveland-Marshall in 1963, Tom has dedicated his efforts to making Cleveland-Marshall a premier institution for the study of jurisprudence. He has served as president of the Alumni Association, and currently serves as a member of the Dean's Committee. Tom has also devoted his time and energies to improving the health and vibrancy of the Northeast Ohio community. Tom has served, and still serves, as a trustee for numerous organizations, such as the Leukemia and Lymphoma Society, West Side Ecumenical Ministry, and the Irish-American Association, just to name a few.

Madam Speaker and colleagues, please join me in honoring Thomas J. Scanlon for his tireless dedication to Cleveland-Marshall College of Law and Northeast Ohio. May his service and hard work serve as an example for us all.

HONORING THE LIFE OF CONGRESSMAN PARREN MITCHELL

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor the life of Congressman Parren J. Mitchell who died on May 28, 2007. Parren J. Mitchell, was a civil rights leader and a dynamic former U.S. congressman who helped to establish the Congressional Black Caucus. Congressman Mitchell was elected to the House of Representatives from Baltimore in 1970 and was Maryland's first black congressman. This great public leader from the state of Maryland served eight terms before stepping down in 1986.

Born in Baltimore, MD in 1922, Mr. Mitchell was a graduate of Morgan State College and earned a master's degree from the University of Maryland. Mitchell had to sue the then-segregated University of Maryland for admission to the graduate school, and won. Additionally, he served as an officer in the 92nd Infantry Division during World War II, during which time he was wounded and received the Purple Heart. Prior to his election to Congress, Mitchell worked in the administrations of Baltimore mayors Theodore R. McKeldin and Thomas J. D'Alesandro III and Governor J. Millard Tawes. While active in state politics he was known as a passionate defender of minority and civil rights. Congressman Mitchell was also the brother of the late Clarence M. Mitchell, Jr., who was head of the NAACP's Washington office, and was one of Lyndon Johnson's chief advisors in the civil rights movement.

As a congressman, Mitchell fought for legislation requiring local governments to set aside 10 percent of federal grants to hire minority contractors. Congressman Mitchell was a crusader for minority economic rights and pushed forth to make economic empowerment a reality for minority-owned companies.

Congressman Mitchell dedicated his life to the ideal of public service. He served his country, his community, and his government with the determination and courage that is exemplary of a true public leader. He demonstrated his courage on the battlefield while fighting for democracy abroad and he would utilize that same courage and zeal to fight for equal rights and opportunities for all Americans here in the United States Congress.

Madam Speaker, I urge my colleagues to join me in honoring the life of Congressman Parren J. Mitchell.

RECOGNIZING SENATOR BOB ROVNER

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Bob Rovner—the 2007 recipient of The Spirit of Life Award from City of Hope. Mr. Rovner is being recognized by this outstanding organization for achievements in his field and his exceptional service to our community.

To be honored by a group with such a noble cause is a great distinction, one for which Mr. Rovner is certainly worthy. For years, City of Hope has been committed to the kind of medical research that has brought hope to millions of people living with a lifethreatening disease. Madam Speaker, Bob Rovner represents the type of spirit and dedication that make organizations like City of Hope as successful as they are. He has spent years championing worthy causes, helping to publicly guide our community in a positive direction.

Mr. Rovner has spent his life performing an inspiring array of accomplishments in public service. Mr. Rovner began his career as an assistant district attorney under Sen. ARLEN SPECTER and alongside Gov. Ed Rendell. He was then elected as the youngest ever member of Pennsylvania's State Senate, where he sponsored the Lottery Bill to direct all oflottery's profits to benefit senior citizens. Mr. Rovner went on to a successful business career and became highly involved in the community, serving on the board of trustees for Temple University and hosting several popular radio shows.

Beyond his impressive resume and his reputation for public service, I can say from personal experience that Bob Rovner has affected many lives for the better. Madam Speaker, Mr. Rovner's influence on the community has been undeniable and his continued work will shape the future of our region.

Madam Speaker, I am honored to recognize Mr. Rovner for this award, but I am more honored to consider Bob Rovner a colleague and a friend, and I would like to thank him on behalf of those whose lives he has touched.

THE 50TH ANNIVERSARY OF BILL AND SUE LANDSKE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great sincerity that I take this time to recognize the 50th wedding anniversary of two of Northwest Indiana's finest public servants, Mr. and Mrs. Bill and Sue Landske of Cedar Lake, Indiana. For years, Bill and Sue have been fully committed to the citizens they serve, with Bill serving on the Cedar Lake Town Council and Sue serving as a State Senator for over 23 years. At this time, I would like to take this opportunity to thank them for their lifelong service and also congratulate them on their 50 years of devotion to each other.

Sue's service to her community extends far beyond her elected position. A veteran of the National Guard Reserve, Sue was elected to the Indiana State Senate in 1984. Senator Landske has remained fully committed to her constituents, and she has even remained an active member of several community organizations. For her efforts, Sue has received many accolades, including the prestigious Sagamore of the Wabash in 1980 and 1983. She has also been named Outstanding Republican Senator, Business and Professional Woman of the Year, Lake County Republican of the Year, and Jaycees' Citizen of the Year.

Not to be outdone, Bill Landske has been a constant fixture in his community for many years. In recent years, Bill has extended his service to the people of Cedar Lake as an elected official, where he has taken on the role of Cedar Lake Town Council member. His resolve to improve the quality of life for his constituents has been apparent since he took office, and he has served his constituents with complete dedication and professionalism.

Bill and Sue have shared many wonderful years together. They have epitomized true devotion and unwavering commitment. However, while they have remained fully dedicated to the people they serve, Bill and Sue's greatest source of pride is their family, which includes four daughters, Cathy (Don) Jones, Jackie (Jeffrey) Basilotta, Pam (Charles) Snyder, and Cheryl (Pete) Boisson, and one son, Eric. Bill and Sue have also been blessed with eight grandchildren: Matthew Jones; Leslie Stoops; Jeff Basilotta; Caitlin, Jenny, and Kim Snyder; and Patrick and Daniel Boisson. Bill and Sue's commitment to improving the future for their community and all of Northwest Indiana is surely an extension of their commitment to their grandchildren, whom they truly adore.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating Councilman Bill Landske and State Senator Sue Landske as they celebrate a remarkable milestone, their 50th wedding anniversary. While their years of service to the citizens of Northwest Indiana are to be commended, it is their unselfish and lifelong devotion to each other that is worthy of our deepest admiration.

PERSONAL EXPLANATION

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. McMORRIS RODGERS. Madam Speaker, while I was absent from the House of Representatives last week due to the birth of my son, I would like to state how I would have voted on the following pieces of legislation if I had been able to be present: Rollcall No. 406—"yea"; rollcall No. 407—"yea"; rollcall No. 408—"yea"; rollcall No. 409—"nay"; rollcall No. 415—"nay"; rollcall No. 416—"nay"; rollcall No. 417—"nay"; rollcall No. 418—"nay"; rollcall No. 419—"yea"; rollcall No. 420—"yea"; rollcall No. 421—"nay"; rollcall No. 422—"yea"; rollcall No. 423—"yea"; rollcall No. 424—"yea"; rollcall No. 425—"yea."

URGING MEMBERS OF CONGRESS TO SUPPORT CARICOM SUMMIT TALKS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD an opinion editorial published in the CaribNews newspaper the week of May 17, 2007 titled "Caribbean Aims to Cash in on Face Time with Bush". This article expresses the importance of the CARICOM Summit meetings to be held in Washington, D.C. from June 19–21, 2007.

The heads of states of the 15 nations that comprise the Caribbean Community (CARICOM) will be in Washington meeting with the Administration, as well as members of Congress. During their meetings in Washington, they wish to discuss U.S.-Caribbean trade relations, cooperation in education and security initiatives, immigration, disaster preparedness and mitigation, and other issues arising from our important relationships with our Southern neighbors.

A Summit of this magnitude and with the full leadership of CARICOM represents the first of its kind under the Bush Administration. I commend the Administration's initiative in establishing stronger and more consistent relationships with island states whose strategic importance has been recognized by their designation by former Secretary of State Colin Powell as our "third border."

This Summit comes at an important time for the American people as we celebrate the contribution of millions of Caribbean-Americans during Caribbean American Heritage Month. It is estimated that over 2.6 million Caribbean-Americans currently live in the United States. People from the Caribbean have contributed to the building of this great nation as the earliest and largest source of Black immigrants to the U.S.

It is important to recognize the Caribbean as strategically significant to the U.S. in terms of security, international trade, and education initiatives. Members of CARICOM serve as crossroads for major air and sea routes between North America, Africa, Europe and Asia. It is in our country's national security interests to make certain that the issues of poverty, illiteracy and HIV/AIDS in the region are addressed.

An unprecedented threat to the economic and social development of the Caribbean Community is HIV/AIDS. With a rate of 1.2 percent in 2006, Caribbean nations are second only to sub-Saharan Africa in adult HIV/AIDS prevalence. AIDS is one of the leading causes of death among adults aged 15–44 in the Caribbean, which threatens the Community's ability to achieve sustainable development. Migration from the Caribbean can contribute to the risk of HIV in the U.S., as acknowledged in USAID Assistant Administrator for Latin America and the Caribbean Adolfo Franco's testimony in 2005, citing statistics that Caribbean immigrants account for 46 percent of all immigrants testing HIV positive in New York City. High mobility in the region necessitates a regional approach in combating the epidemic. By supporting legislation that will include all the CARICOM nations in the President's Emergency Plan for AIDS Relief (PEPFAR), we can expand our reach in fighting HIV/AIDS in the Caribbean and at home.

Although CARICOM countries receive preferential trade treatment under agreements such as the Caribbean Basin Initiative (CBI), CARICOM views its existing trading arrangements with the U.S. as no longer adequate. The CBI preferences are set to expire in October 2008, which could jeopardize an annual $8 billion worth of trade. The current CBI also includes only eight of the 15 countries that comprise CARICOM, further emphasizing the need to establish a new trading relationship. Serving as a backdrop to the Summit this month is the establishment of a CARICOM Single Market in 2006 and plans for full economic integration in 2008. In terms of trade with the U.S., the CARICOM Single Market and Economy (CSME) serves as an opportunity to strengthen ties and better prepare the region for a free-trade agreement (FTA) with the United States.

In addition to U.S.-Caribbean trade revisions, there is also a need to create a framework to manage the negative impact of the deportation process on the CARICOM nations. Caribbean governments assert that rising crime rates in some Caribbean nations can be attributed in part to the large number of criminal deportees they receive from the United States, with over 5,000 being sent from the U.S. to the Caribbean between October 2005 and October 2006. High rates of crime and violence in the Caribbean are undermining growth and investment, threatening human welfare, and impeding social development.

Our national security is also threatened by a failure to manage the deportation process. When deportees are sent to the Caribbean—many of whom acquire assets and connections in the United States—they are often sent empty-handed without a family support network in the Caribbean. This situation breeds poverty among deportees, which can make weak States vulnerable to terrorist networks and drug cartels within their borders. According to the World Bank, murder rates in the Caribbean are higher than in any other region of the world, and assault rates are significantly above the world average. These challenges compounded by narcotics trafficking, which is at the core of these high rates, transcend national boundaries, threaten America's national security, and require a coordinated regional response.

As Members of Congress, we have a significant opportunity to respond to the economic and political challenges facing the nations of the Caribbean, by encouraging educational exchange programs, promoting trade and supporting legislation that provides funding to address the HIV/AIDS situation in the region.

The issues I outlined today provide the foundation for a rich dialogue between the U.S. and the Caribbean Heads of State. I encourage my colleagues in Congress to play a significant role in fostering a mutually beneficial relationship with our friends of the Caribbean Community by supporting and participating in the CARICOM events that will be taking place on the Hill from June 19 through June 21.

CARIBBEAN AIMS TO CASH IN ON FACE TIME WITH BUSH

(GEORGETOWN)

On Jun. 20, Caribbean leaders will sit down with George W. Bush for the first full summit meeting with a U.S. President in a decade, and from all indications, they have a plethora of issues to put on the table, chief among them trade and disaster preparedness.

Since Democratic President Bill Clinton flew to the eastern Caribbean island of Barbados for a day in May 1997, the two sides have not met for any length of time at the Heads of Government or state level, though they have formalized annual and sometimes twice yearly meetings with secretaries of state and other high-level officials.

Analysts say the June summit comes at a time of serious anxieties for the 15-nation Caribbean Community (CARICOM), 10 of which form a free trade bloc that has functioned smoothly over the years save for the odd row over some members' protectionist policies. High-ranking CARICOM officials like Assistant Secretary-General Colin Granderson and others agree that the region would be remiss if leaders do not jump at the chance of reinforcing their geopolitical importance to the United States, being right in its backyard.

For one thing, the Ronald Reagan era Caribbean Basin Initiative and its offshoot, the Caribbean Basin Economic Recovery Act, governing trade with the U.S., are now subject to annual unanimous approvals by each member of the World Trade Organization (WTO), a development Governments say makes them feel very insecure. Washington has also expressed its discomfort with the fact that it has to ask every single country to say yes to renewing the preferential trade deal, which expires in two years.

Caribbean leaders and foreign ministers argue that trade worth an annual average of eight billion dollars is operating at the whims of WTO members and should have some formal, more structured cover.

They are considering asking Washington to negotiate and sign a U.S.-Caribbean free trade agreement, since it has become clear that efforts to forge a hemispheric umbrella agreement have collapsed under the weight of objections from regional Latin American powerhouses like Brazil and Venezuela, among others.

The region's Central American neighbors have already negotiated their own deal with the U.S., but a definitive position on the Caribbean may well emerge in the days leading up to the summit.

IN RECOGNITION OF JUDGE SEAN C. GALLAGHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KUCINICH. Madam Speaker, I rise today to recognize the Honorable Sean C. Gallagher as the 2007 recipient of the Cleveland-Marshall College of Law Alumni of the Year Award, and to celebrate his efforts to make a safer and more just Northeast Ohio.

For over 25 years, Judge Gallagher has served the people of Northeast Ohio with dedication and distinction. Whether a juvenile probation officer, a prosecuting attorney, a court bailiff, a municipal court judge, or an Ohio Court of Appeals judge, he has always had the concerns and the safety of the community at hand. He has also dedicated his time to numerous boards and associations to ensure that the legal profession maintains its integrity and continues to produce thoughtful and dedicated young attorneys.

Madam Speaker and colleagues, please join me in honoring Judge Sean C. Gallagher as the 2007 Alumni Award recipient. May Cleveland continue to benefit from his leadership and vision.

OUR LADY OF MOUNT CARMEL ROMAN CATHOLIC CHURCH'S 100TH ANNIVERSARY

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. NEAL of Massachusetts. Madam Speaker, it is my honor today to submit into the CONGRESSIONAL RECORD the history of the Our Lady of Mount Carmel Roman Catholic Church in Springfield, Massachusetts, as it celebrates its centennial anniversary.

Our Lady of Mount Carmel Church is the focal point of the Italian-American community in Springfield. I would like to take time today to acknowledge this important anniversary and to extend to the communicants of the Mount Carmel Church my best wishes for a strong and prosperous future.

THE CENTENNIAL 1907–2007 HISTORY OF OUR LADY OF MOUNT CARMEL ROMAN CATHOLIC CHURCH

In the late 1800s, the Italian community in greater Springfield, Mass., held religious services in the basement chapel of St. Michael Cathedral. A separate church in the South End, where most of the immigrants had settled, was an increasing need. Bishop Thomas Beaven placed this hope in the hands of the Stigmatine Congregation of Verona, Italy. Frs. Anthony Dalla Porta, first pastor, and Alfred Ballestrazzi came to the United States in May 1906. In 1907, a new Our Lady of Mount Carmel Church was named. The building, seating 500 worshippers, cost $35,000. It opened on December 24, 1911. Nearly 1,000 families were members of the infant parish. In 1919, five religious sisters, Daughters of Our Lady of Mercy, arrived from Savona, Italy. They opened a day nursery, sewing classes, and children's catechism instruction. The church building was expanded in 1932.

Stigmatine Fathers William Ludessi, Erminio Lona, Charles Zanotti, Peter Toretta, Paul Zanini, Camillo Santini, Carmen Russo, Richard Scioli, and currently Robert White, have served as pastors.

Mt. Carmel Church survived the Great Depression, the flood waters of 1936, and the hurricane of 1938. Church societies' fund-raising liquidated all debt by 1946. An elementary school, staffed by the sisters, opened in 1948. In 1959, a second major renovation of the church took place. The parish entered its Diamond years with hope and pride in the future.

Weekly St. Anthony devotion remains steadfast. In 1991, the new position of Pastoral Minister, open to a qualified non-ordained person, was filled by Sister of St. Joseph Elizabeth Matuszek. The quality of education, which the Daughters of Mercy established, has kept the school open as one of five Catholic schools left in Springfield. Its first lay principal was Mrs. Claire Cote, who in 2002, achieved the maximum ten-year accreditation by the New England Association of Schools and Colleges, and opened a Preschool, an after-school program, and a computer laboratory. Mrs. Carol Raffaele succeeded Mrs. Cote in 2003, completing its interim evaluation for accreditation. The computer lab went state-of-the-art wireless. Library cataloging was computerized, and offices were connected to the Internet. The school developed a web page, www.mountcarmelschool.org. OLMC graduates consistently score in the top percentile in standardized tests. They thrive in high school, college, and beyond.

In Religious Education for our public school students, 26 CCD volunteers have been awarded the diocesan St. Pius X Medal, every year since the inception of this honor. Intergenerational Religious Education began with this Centennial Year Generations of Faith. Families with children, and adult households, came together for religious formation sessions.

Lay ministry has expanded far beyond our worthy list of certified lectors, special ministers of the Eucharist, choir, and ushers. Women and girls have joined men and boys as altar servers. Qualified laity help prepare candidates for the sacraments of Baptism, Confirmation, Holy Communion, and Marriage.

Members continue fundraising efforts in this age of rapidly escalating expenses. Bingo was a lucrative source of funds from 1967 to 1997. The October Taste of Italy became a new social focus and important fundraiser, first held in 1992. ''Bring your best Italian foods to serve at least 100'' was the request. Participants respond to the zealous leadership of Chairperson Rosemarie Costa. Hundreds come to affirm and enjoy the culinary achievements of dozens of Italian cooks.

Clerical tasks have become computerized. Clubs and Societies remain a consistent base of spiritual, social, and economic vitality. The Women's Guild is an important body of support for the parish. The Ministry of Caring of St. Vincent DePaul extends the Works of Mercy to and beyond our parish parameters. The Men's Retreat League continues its annual weekend at Holy Family Retreat Center in E. Hartford, CT. The parish Knights of Columbus are St. Gaspar Bertoni Council 5037. The Holy Name Society hosted the last of its coffee hours in 1999. Youth Ministry proudly donated a $700 replacement tree to the church, and sent a contingent to the Catholic Youth Conference in St. Louis in 1996. They donated half their treasury to the Centennial Renovation Fund.

For the 90th anniversary in 1997, a $300,000 capital campaign restored the slate roof and stained glass and alabaster windows. New entrance doors were installed.

Centennial plans began in 2002, for spiritual renewal, communications, and a $1.6

million capital campaign for physical renovations. Peter Zorzi of Studio One Architects, of our South End parish neighborhood, said, ''I can't count how many Sundays I sat at 8:30 Mass imaging what I would do to restore this church!'' With well-established competence and experience, Studio One brought us an enduring enthusiasm and a church of renewed beauty. Our gratitude for their services is beyond measure.

We installed the Verdin Singing Tower Carillon from nearby St. Joseph Church which closed. Its seasonal hymns resound throughout the South End three times daily. All pews were removed for restoration and resizing. Artists Salvatore Degli Atti and Salvatore Rossi of Italy achieved the acclaimed renovations. From St. Polycarp Church in Somerville, which closed, we purchased marble altars and other appointments. Architects redesigned the sanctuary space, completing handicap accessibility.

Fifty travelers journeyed to Italy in honor of the Centennial. The Communications Committee reached out to our most senior members, inviting those 80 years of age and older to submit memories and photos for the Anniversary Book. 101 responded.

A Mass of Thanksgiving for the Centennial was celebrated in the renewed church on June 10, 2007. Principal Celebrant and Homilist was Most Reverend Timothy A. McDonnell, Bishop of Springfield. A dinner for 700 followed at the Castle of Knights in Chicopee.

Since the 1907 South End origin of the parish, Interstate highway configuration has dispersed members to many surrounding cities and towns. Blessed with their heritage of Catholic faith, a festive Italo-American spirit, and strong and extended family, Mt. Carmel parishioners remain a vibrant and proud witness to their heritage and faith in Springfield's South End.

2007 FARM BILL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GRAVES. Madam Speaker, the 2007 farm bill is one of the most important pieces of legislation this House will consider this year. From such varied topics as rural development to nutrition to conservation to energy to research to disaster assistance, the farm bill will impact all of these issues and many, many more. In my district, Missouri's sixth, we have a lot of farmers diversified in different row crops and livestock. Many of my fellow farmers in Northwest Missouri are soybean producers, so it is with this in mind that I would like to draw this distinguished body's attention to a letter I have recently received from the United Soybean Board, an organization responsible for administering the soybean research and promotion programs of the soybean checkoff program. We've heard a lot about checkoff programs over the years, and I hope my colleagues will find the following correspondence useful as we move forward with the 2007 farm bill.

MAY 24, 2007.

Hon. SAM GRAVES,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GRAVES: Thank you for your letter of May 10, 2007, regarding the soybean research and promotion efforts of the soybean checkoff program. I very much welcome the opportunity now and in the future to provide you, other members of Congress, and the soybean farmers of Missouri's Sixth District and in other parts of our country, information about our soybean checkoff.

As you know, at the urging of the nation's soybean farmers, Congress created the Soybean Promotion, Research and Consumer Information Act in 1990. Since that time, the United Soybean Board (USB), of which I serve as Chairman, and 29 Qualified State Soybean Boards (QSSBs), have invested soybean checkoff funds to provide profit opportunities for all U.S. soybean farmers.

Keeping in mind your suggestion for brevity, I am pleased to provide answers to the specific questions you posed in your letter about the accomplishments of the soybean checkoff:

1. Recently, biodiesel seems to receive a lot of news coverage. What role, if any, has the checkoff, national or state, played in the development or marketing of this product and what is the relationship of USB to the National Biodiesel Board?

Simply put, America's soybean farmers, through our soybean checkoff, established the biodiesel industry in the United States. The Missouri Soybean Merchandising Council (MSMC), a Qualified State Soybean Board (QSSB), funded the first significant biodiesel research back in 1990. The USB, MSMC and other QSSBs helped establish the National Biodiesel Board (NBB) in 1992. The soybean checkoff continues to fund most of the NBB-coordinated research and promotion that has made biodiesel one of the fastest-growing renewable fuels in the United States. According to NBB, biodiesel production in the U.S. has increased from an estimated 500,000 gallons in 1999 to 225 million gallons in 2006. Our biannual soybean farmer attitudes survey showed only 23 percent of all soybean farmers used biodiesel in 2002. Our latest survey shows more than 50 percent of all U.S. soybean farmers now use biodiesel in their operations.

2. I know that export markets for American agricultural products are very important to our nation's trade balance. How involved have USB or the QSSBs been, if at all, in developing these markets?

Since Congress established the national soybean checkoff program in 1990, U.S. soybean exports have doubled. U.S. Department of Agriculture figures show we exported 557 million bushels of U.S. soybeans in 1990. Last year, we exported a record 1.1 billion bushels of U.S. soybeans.

The growth of U.S. soy exports to China serves as an example of the kind of export development work accomplished by the soybean checkoff. State soybean checkoff programs funded the early reverse marketing activities in China to change the country from an exporter into an importer of soy. Shortly after Congress created the national soybean checkoff, USB also contributed to those efforts, such as providing technical information and support to China's poultry, livestock and aquaculture industries on how to use soy as a valuable protein source in animal feed. In 1995, these efforts, funded with soybean checkoff dollars and market development funds from the U.S. Department of Agriculture's Foreign Agricultural Service, helped turn China from being a soy competitor into a U.S. soy customer. China is now the biggest export customer of U.S. soy. Most recently, working with soybean checkoff farmer-leaders and staff, a group of Chinese buyers signed contracts in the United States to purchase 211 million bushels of U.S. soybeans, worth more than $2 billion. USDA projects when the marketing year ends later this year, China will buy over 400 million bushels of U.S. soy. In addition to building markets for U.S. soy in China, the soybean checkoff funds U.S. soy market development efforts in 80 countries around the world.

3. As a nation, we are becoming increasingly health conscious, and I know that soy is regarded as having positive health benefits. What has the checkoff program done to help document these health benefits if at all? In addition, we are all aware of the issue of trans fats in the foods we eat. Is this an issue for soybeans and if so, what has been done to address it?

The soybean checkoff has been instrumental in funding the necessary research to document the health benefits of soy. Early on, state and national soybean checkoff organizations funded the scientific research that helped lead to the U.S. Food & Drug Administration's health claim in 1998 linking the benefits of soy to reducing the risk of heart disease. Also, USB's Soy Health Research Program has invested about $500,000 to assist scientists in submitting soy-related research grant applications, which has helped secure more than $12 million in research funds from the National Institutes of Health. This 24–1 return on soy research investments seeks to document how soy's role in a healthy diet can reduce the risk of such diseases as breast cancer, prostate cancer and osteoporosis.

Second, in the late 1990s, USB identified trans fat as an issue that could have a major impact on the future utilization of soybean oil. The checkoff established an initiative to determine food industry trends and needs, which eventually led to the creation of QUALISOY in 2004. This collaborative U.S. soybean industry-wide effort helped accelerate the development of new soybean varieties with oil that requires little or no hydrogenation and, therefore, is free of trans fats and ultimately lower in saturated fats. This year, U.S. soybean farmers are expected to plant up to 1.75 million acres of these new varieties, which also provide additional profit opportunities to U.S. soybean farmers.

4. We are also aware of the threat of Asian Soybean Rust to the American soybean farmer. I am pleased that USDA so quickly responded with specific programs to counter this threat. How, if at all, were checkoff funds used to assist this effort? How else, if at all, have either state or national checkoff funds been used to benefit soybean production, either by increasing yields or dealing with pests?

Similar to our efforts to increase soybean exports, the challenge to minimize the impact of Asian Soybean Rust provides a good example of how checkoff investments made by soybean farmers can be leveraged with federal government dollars to benefit us—and ultimately all consumers—with a safe, abundant supply of soy. Beginning in 2005, the soybean checkoff helped coordinate and fund an early-warning system for soybean rust through a cooperative effort with USDA. The system includes an extensive series of sentinel plots planted to soybeans that receive regular monitoring for rust and other plant pests and diseases. This system keeps us well informed about the spread of rust and helps us scout, monitor and manage our crops to prevent or minimize yield loss from this potentially devastating disease.

More broadly, finding solutions to soybean yield-robbing pests and diseases traditionally has ranked as USB's second largest investment area. For example, in 2001, USB-funded researchers published breakthrough research identifying specific genes in the Soybean Cyst Nematode (SCN), the leading cause of soybean yield loss from plant diseases. This helped serve as basis for more durable SCN resistance in soybean varieties. Just last year, researchers funded by the soybean checkoff published genetic markers for two rust-resistant genes. This allows soybean breeders to incorporate these genes into

breeding programs without laborious testing against the harmful disease. We expect this to lead to new rust-resistant varieties in the next four to five years. These are just a few examples of how the soybean checkoff has helped me and other U.S. soybean farmers prevent or reduce soybean yield loss from harmful plant pests and diseases. No doubt, these efforts have helped U.S. soybean production grow from 1.98 billion bushels in 1991 to a record 3.18 billion bushels in 2006.

5. I know that soy products have been featured in the federal government's bioproducts support program. Are you aware of what soy products have been featured in this effort and if so, could you elaborate on how, if at all, national or state checkoff funds have been utilized to develop any of these products?

This is an area of special interest to me since I served three terms as chair of USB's New Uses program and one year as team lead of our Biobased Products Initiative. Our surveys show U.S. soybean farmers believe developing new soy uses, such as soy-based inks, plastics, lubricants, adhesives and solvents, should be a top priority of our checkoff. The most notable new industrial uses for soy developed by the soybean checkoff include soy biodiesel and soy ink. But hundreds of soy-based products, many developed with the help of soybean checkoff-funded research, now also fill our ever-growing Soy Products Guide, a catalog of soy-based bioproducts we publish annually. Recognizing the purchasing power of the federal government, the soybean checkoff has taken the lead in familiarizing federal purchasing officials with the availability and benefits of these products through workshops held in the nation's capital. Last year, USDA finalized its list of the first six categories of biobased items that would be awarded purchasing preference under the federal bioproducts support program. USB has funded research and marketing efforts with companies that make up three of the six categories, which include soy-based mobile hydraulic fluids, roof coatings and penetrating lubricants. Late last year, USDA proposed that more items be designated for preferred federal purchasing. When finalized, we anticipate that more soy-based bioproducts developed with the help of the soybean checkoff, such as spray foam insulation, carpet backing, electric transformer fluids, engine oils, cleaners and other solvents, will receive preferred purchasing designation.

6. The Soybean Promotion, Research and Consumer Information Act, as passed in 1990, called for regular ROI studies to evaluate the return to soybean farmers on their investment in the checkoff. Have those studies been undertaken, and if so, what were the results? If these studies do not reflect the additional funds that may have been leveraged through the use of checkoff funds, please expand on that point as well. In this same context, what evidence, if any, do you have that soybean farmers continue to support the checkoff?

Evaluation remains a cornerstone of every soybean checkoff-funded program. All USB-funded programs must have an evaluation component. As required by law, the soybean checkoff has also conducted regular return-on-investment (ROI) studies. An independent study, conducted in 1998 by Texas A&M, found that for every checkoff dollar invested, U.S. soybean farmers earned an additional eight dollars in net revenue. A similar study, conducted in 2003 by World Perspectives and AgriLogic, found a 6:1 ROI. USB's next regular ROI study will be conducted next year.

In addition to those noted above, numerous examples exist of how we maximize checkoff investments by achieving outside, matching funds to benefit all U.S. soybean farmers. For example, state and national soybean checkoff international marketing investments, which this year total $11.3 million, achieved a matching investment of $14.2 million in Foreign Market Development and Market Access Program funds through USDA's Foreign Agricultural Service. USB funding of the development of the soybean genome map and development of genetic markers helped lead to a nearly $5 million dollar grant for soybean genomics research conducted by the National Science Foundation. Soybean checkoff-funded genome research also positioned soy to be chosen by the U.S. Department of Energy's Joint Genome Institute as the next plant genome to be sequenced, a project valued at $11 million.

The federal law that created the soybean checkoff requires that U.S. soybean farmers have an opportunity every five years to request a referendum on continuation of the program. In 1999, less than 3 percent of eligible soybean producers requested a referendum on the soybean checkoff. In 2004, less than half of 1 percent of all eligible soybean producers requested a referendum. USB conducted its first statistically valid, biannual soybean farmer attitudes survey in 1997. At that time, 65 percent of soybean farmers surveyed indicated they supported the soybean checkoff. The most recent survey conducted earlier this year showed 73 percent of U.S. soybean farmers support the soybean checkoff.

7. And even though it is not directly related to the role of the United Soybean Board, what, if any, role has it played in the broader soybean or agricultural industry that members of Congress should know about?

The 64 farmer-directors who serve voluntarily on USB believe it's also our responsibility to help lead the U.S. soybean industry. Since 2002, USB has brought together state and national soybean checkoff and association leaders and staff for CONNECTIONS, a joint planning meeting to help establish our research and promotion priorities and strategies for the following three to five years. Last year, USB took the process a step further by engaging all players in the U.S. soybean value chain to actively take part in Soy 2020. This U.S. soybean industry-wide effort created a vision for the future of U.S. soybeans for the next twelve years. It focuses on four key stages: a comprehensive environmental scan that identified key areas of emphasis; analysis of different possible scenarios for the U.S. soybean industry; development of the vision and strategies to support each scenario; and a formal launch, which took place earlier this year.

Aside from this formal joint planning meeting, the farmer-directors of USB have also committed to a leading cause in U.S. agriculture—supporting the livestock and poultry industries. The animal agriculture industry is inherently important to the soybean industry, as it is our number one customer, consuming nearly all of the domestically used soybean meal. The USB-led Animal Agriculture Initiative is an effort to build support among soybean farmers and leading agriculture organizations, including the American Farm Bureau Federation, the Animal Agriculture Alliance, and other checkoff organizations such as the National Pork Board. This combined, concentrated support will not only help protect the domestic livestock and poultry industries from unnecessary criticism and ridicule, but will also help protect our number one market for soybean meal.

I am confident this information will help you and other members of Congress understand how our self-help research and promotion program has created new U.S. soybean demand and profit opportunities for all U.S. soybean farmers. Please let me know if we can provide any additional information for you and your colleagues.

The 64 volunteer soybean farmer-leaders who make up our board truly believe we have an effective, efficient and farmer-driven soybean checkoff.

Respectfully yours,

ERIC NIEMANN,
Chairman, United Soybean Board (USB).

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

June 5, 2007:

Rollcall vote 426, on motion to suspend the rules and agree to the resolution H. Res. 397—Condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia, I would have voted "aye."

Rollcall vote 427, on motion to suspend the rules and agree to the resolution H. Res. 422—Calling on the Government of the People's Republic of China to use its unique influence and economic leverage to stop genocide and violence in Darfur, Sudan, I would have voted "aye."

Rollcall vote 428, on motion to suspend the rules and agree to the resolution H. Res. 430—Calling on the Government of the Islamic Republic of Iran to immediately release Dr. Haleh Esfandiari, I would have voted "aye."

Rollcall vote 429, on motion to suspend the rules and agree to the resolution H. Res. 451—Directing the Committee on Standards of Official Conduct to respond to the indictment of, or the filing of charges of criminal conduct in a court of the United States or any State against, any Member of the House of Representatives by empaneling an investigative subcommittee to review the allegations, I would have voted "aye."

Rollcall vote 430, on motion to suspend the rules and agree to the Resolution H. Res. 452—Raising a Question of the Privileges of the House, I would have voted "aye."

CONGRATULATIONS, AMERICAN LEGION AUXILIARY OF SIKESTON, MISSOURI

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mrs. EMERSON. Madam Speaker, I rise today to offer my most sincere congratulations to the American Legion Auxiliary of Sikeston, Missouri, which this year celebrates its 80th anniversary. Every year in the eight decades of the American Legion's existence in Sikeston, this group of patriotic Americans annually makes multiple investments of time, talent and treasure in our southern Missouri community.

The congressional district I represent would not be such a wonderful place without organizations such as this one, many of which are inspired by the Sikeston American Legion Auxiliary. Most notably, the Sikeston American Legion Auxiliary takes a keen interest in enriching the lives of young people. By sponsoring participants in Missouri Girls State and contributing to programs like Sikeston's Teacher Appreciation Week and the YMCA, the Sikeston American Legion Auxiliary makes a profound investment in our future leaders. Neither does the Sikeston American Legion Auxiliary forget those who served, supporting efforts at the Missouri Veterans Home, the John J. Pershing Veterans Hospital, the Missouri State Veterans Cemetery, and conducting an annual drive to benefit local disabled veterans. There are so many other ways in which the Sikeston American Legion Auxiliary lends its support to our community, they are too numerous to list today.

Ultimately, the Sikeston American Legion Auxiliary embodies the virtues of service. They are an active organization which is well-known throughout the region for its year-in, year-out commitment to the care, enrichment and betterment of the Sikeston community.

As a way of recognizing and honoring the important contributions of the Sikeston American Legion Auxiliary, I am proud to commend them for 80 years of philanthropy in the Eighth Congressional District of Missouri and to wish them all the best as they continue to endeavor in the charitable service of our community.

CELEBRATING THE ACCOMPLISHMENTS AND RETIREMENT OF ALETTE LUNDEBERG

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. HONDA. Madam Speaker, today I rise to recognize the contributions and well-deserved retirement of Ms. Alette Lundeberg. Alette has served the County of Santa Clara for 23 years, and has worked tirelessly for decades as an advocate for poor and indigent peoples, founding numerous programs for the underserved population in the community. Alette has been a leading figure on welfare and refugee issues at the local, state, and national levels.

Alette Lundeberg began demonstrating her leadership ability through teaching in the 1970s as an instructor at San Jose State University and De Anza College in Cupertino. She taught a graduate-level social science course focusing on public service. In addition to teaching, Alette worked as the Community School Director for the Sunnyvale Elementary School District, where she established citywide community education programs for women.

From 1977 to 1979, Alette worked in the County Executive's Office of Santa Clara as an Associate Management Analyst. She investigated and mediated complaints of discrimination, analyzed legislation, and prepared funding proposals.

In the 1980s, Alette started working with the Social Services Agency's Refugee program. She was responsible for the $16 million dollar annual budget and managed 130 staff members while collaborating with local counties and states on legislation issues.

In the late 1990s, Alette was appointed as Administrator of Benefit Services for the Santa Clara County Social Services Agency. She has been responsible for the Agency's Employment Support Initiative, which has been the planning arena for the California Work Opportunity and Responsibility to Kids, a welfare program that assists California families through services and cash aid. Aside from working as the Administrator of Benefit Services, Alette has also been a Board Member for numerous local community groups including the San Jose Development Corporation, Planned Parenthood of Santa Clara County, and Asian Americans for Community Involvement.

Madam Speaker, I rise today to honor this wonderful role model and mentor: Alette was my teacher on women's issues. Alette has spent countless years enriching the community through her leadership and dedication. Alette Lundeberg's work has been inspirational to many in the community and I offer her my best wishes for her much deserved retirement and thank her once again for her work serving the people of Santa Clara County.

HONORING GEORGE E. STEPP

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. George E. Stepp for 38 years of dedicated service to the youth of Fairfax, VA.

Mr. Stepp began his career in 1969 as a social studies teacher with Fairfax County Public Schools. He quickly and eagerly made the transition to the administrative side when he was promoted to become assistant principal at Falls Church High School. Mr. Stepp went on to serve as principal at West Springfield High School for 6 years and Lake Braddock Secondary School for 3 years. In 1989, he became the superintendent of schools for area IV in the Fairfax County Public School system. He served in this position until he retired to become superintendent of schools for the city of Fairfax.

Over his career, Mr. Stepp has demonstrated an interest in his students, a desire to help them succeed, and the ability to put these aspirations into policies that create positive tangible outcomes. All students, faculty and parents who have been through one of his school's have expressed their heartfelt appreciation for the tireless work he has undertaken on their behalf.

Madam Speaker, in closing, I would like to commend and congratulate Mr. George E. Stepp for all of his accomplishments. His legacy of success is found in each and every student who has traveled through his halls, taken his tests, and is now a contributing member of our community. While he will be greatly missed, his retirement is well deserved. I call upon my colleagues to join me in applauding George for these past accomplishments and in wishing him continued success in the years to come.

HONORING ARIZONA'S WILD HORSES

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to honor Arizona's wild horses living in the Apache-Sitgreaves National Forests.

The residents of the State of Arizona deeply value these magnificent wild horses.

These beautiful wild horses are truly the ''Living Symbols of the West,'' as described by the Wild Horse and Burro Act passed by Congress in 1971 to protect the wild horses of the United States.

The Rim Country wild horses date back to mounts brought by Father Eusebio Kino, who began his 1653 mission to eastern Arizona by setting out from the lands of my constituency in southern Arizona and traveling across our State northeast to the ''borders of the lands of the Apacheria which border on New Mexico.''

These original Spanish horses are the great ancestors of the Mogollon Rim country wild horses. They were the mighty Andalusian war horse, whose origins go back more than 28,000 years to the original Iberian horse; the magnificent Spanish Barb; and the graceful and fluid Spanish Jennet, the mount of many of the great kings of Europe; and the strong bloodlines of these original horses appear almost unchanged in our Rim wild horses 400 years later.

Our Arizona Rim wild horses are the direct descendents of the Spanish horses prized by the conquistadors so highly that the foals were carried in hammocks to protect their legs until they were old enough to travel on the forced marches; and prized by the early cattlemen for their endurance and heart and were the very mounts of the U.S. Cavalry as they rode to protect and expand the American west.

The Arizona Rim Country wild horses living in Apache-Sitgreaves National Forests are a most precious natural resource to be preserved for our children and grandchildren who will be able to see them for generations to come.

THE PGA OF AMERICA/DISABLED SPORTS USA MILITARY GOLF PROGRAM

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize an excellent new project to improve the lives of American soldiers who were wounded serving our country: the Disabled Sports USA Military Golf Program. The Wounded Warrior Project, Disabled Sports USA, America Supports You and the PGA of America have created a new program that aims to help rehabilitate veterans severely wounded in Iraq and Afghanistan. By instructing these wounded warriors how to play golf, the PGA and Disabled Sports USA teaches our disabled veterans a fulfilling recreation pursuit.

These organizations provide invaluable services to our veterans. Wounded Warriors

offer programs nationwide that offer our severely injured soldiers opportunities to rebuild their lives.

Disabled Sports USA, established in 1967 by disabled Vietnam veterans to serve the war injured, has expanded to provide rehabilitative sports programs to anyone with a permanent disability.

America Supports You was launched in November, 2004, by the Department of Defense, and built a network of supporters that writes letters, sends care packages and helps the wounded when they return home.

And the PGA, America's largest working sports organization, comprised of 28,000 men and women dedicated to growing, teaching and managing the game of golf, has throughout its 91-year history provided instruction and equipment to the military and employment opportunities to veterans.

I am proud to recognize these four organizations that are doing so much to aid our honored veterans. I hope my fellow members of Congress share my passion for the Military Golf Program. The program, and its purpose of giving back to those who so nobly served our country, is worthy of our praise.

U.S. TROOP READINESS, VETERANS' CARE, KATRINA RECOVERY, AND IRAQ ACCOUNTABILITY APPROPRIATIONS ACT, 2007

SPEECH OF

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 24, 2007

Mr. TIAHRT. Mr. Speaker, February 5th, the Department of Defense made a request for the resources and flexibility required to successfully prosecute the Global War on Terror. For 3½ months Congress has failed in this fundamental, constitutional responsibility. Today, I am pleased to finally support H.R. 2206, the FY 2007 Iraq and Afghanistan War Supplemental Appropriations bill. I believe this legislation strikes the right balance of unfettered access to resources by our military and the establishment of guiding benchmarks for the new Iraqi government. In addition, I applaud the inclusion of disaster relief funding for Greensburg, Kansas, and an increase in the Federal minimum wage.

I want to thank Chairman OBEY and Ranking Member LEWIS for their hard work on this legislation. Putting aside political grandstanding and maneuvering, we have finally come together to produce legislation that provides our soldiers with the funding they need, while providing the flexibility our commanders in Iraq require—showing the commitment of this Congress to success in Iraq and the broader War on Terror.

Our Soldiers and Marines are in desperate need of funding for essential procurement items, operations and maintenance, and military paychecks and benefits. Among other things, this legislation will fuel our trucks, feed our soldiers, provide imminent danger pay, and arm them against our nation's enemies. This funding comes without unrealistic and dangerous strings that could have placed lives of our servicemen and women in jeopardy.

This Congress is finally showing its commitment to success in the Global War on Terror. We must never forget that this war was started by Muslim extremists and has been waged against the United States and its citizens since the 1970s. However, almost every skirmish and battle prior to the invasion of Afghanistan in 2001 found the United States on the defensive and on the losing side. Does this House remember the killing of 241 Marines in Beirut in 1983? The U.S. Embassy bombing in Lisbon in 1986? The first World Trade Center bombing in 1993? The Khobar Towers bombing in 1996? The bombing of our U.S. Embassies in Africa in 1998? Or the bombing of the USS *Cole* in 2000? Our ignorance of these events culminated in the attacks on September 11th, 2001. Each one of these was a battle in this war we now face. I hope this House finally understands we cannot win this war on the defensive.

The terrorists took the fight to us for decades; now we must take the fight to the terrorists. I do not want this war. But rest assured—this war will happen regardless of our presence in Iraq or Afghanistan. The question is, "Does this fight happen on the streets of Bagdad or the streets of New York City or Wichita, Kansas?" We must take the fight to the enemy. We must stay on the offense. Fortunately, this legislation now allows the United States to stay on the offensive in this global struggle.

In addition to providing critical funding for our military, this legislation provides $40 million of disaster relief funding for Greensburg, Kansas, which was completely destroyed during a recent tornado. The most devastating natural disaster to strike Kansas in years, Greensburg is a city without schools, businesses, or houses. However, the people of Greensburg have a passion and vision to rebuild their town, and I am pleased that this Congress is committing the resources required to begin that process.

Mr. Speaker, I want to personally thank Chairman OBEY and Ranking Member LEWIS for working with me and the Kansas delegation to include this funding for Greensburg. The tornado took away so much from this community, but it did not take away the Kansan spirit of big dreams and hard work. Greensburg will be rebuilt, and the funding provided here today will help make that happen.

Not only do the people of Greensburg receive support in this legislation, but the workers in Wichita and around the country will receive a well-deserved pay raise. I stand in support of raising the Federal minimum wage to $7.25 per hour in conjunction with providing associated tax relief for small businesses.

However, when dealing with the minimum wage, it is imperative that small businesses be provided with associated tax relief. When small and family-owned businesses are forced to shoulder increased costs, they have no choice but to hire fewer workers, reduce current worker benefits, and pass along the costs to consumers in the form of higher prices. Therefore, providing associated tax relief will allow the workers we intend to help keep their jobs. I applaud this bill for providing the minimum wage increase with the associated tax relief

Mr. Speaker, our Nation is facing great challenges from fighting the Global War on Terror to rebuilding communities devastated by natural disasters. By working together in a bipartisan approach, Congress can do the right thing. This Iraq and Afghanistan Supplemental Appropriations bill provides our troops the resources they need, helps rebuild Greensburg, and gives a well-deserved raise to $5.6 million people. For that, I am pleased to offer my support.

PAYING TRIBUTE TO CAPTAIN EDWARD HARDMAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Captain Edward Hardeman and The Naval Junior Reserve Officers Training Corps (NJROTC) Unit at Centennial High School in Las Vegas, NV for being named the 2007 Navy League Most Outstanding Unit in the nation.

Captain Hardeman oversees 215 cadets along with Senior Chief Tom Borders and Petty Office Gail Johnson. The Naval JROTC Unit is in its sixth year at Centennial High School which received 7th overall in the nation at the NJROTC National Drill, Physical Fitness, and Academics Championships in Florida this past April. They were also awarded the Captain Jim Harvey Best School Sportsmanship/Spirit Award for the third time in four years; a feat no other school in the nation has ever accomplished.

Centennial High School's Naval JROTC Unit has been awarded the 2007 Navy League Most Outstanding (Best) Unit in the nation by the National Navy League, and is only the second unit in the nation to have been unanimously selected for this honor. The NJROTC program has 625 units throughout the world, including schools in Japan, Guam, and Spain.

Madam Speaker, I am proud to honor Captain Edward Hardeman and the Naval JROTC Unit at Centennial High School for their tremendous achievements.

PERSONAL EXPLANATION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. CONYERS. Madam Speaker, I took a leave of absence on June 6, 2007, as I was in my district on personal business. The following list describes how I would have voted had I been in attendance today.

Suspension bills: "Yea," H.R. 1051, National STEM Scholarship Database Act; "Yea," H.R. 2559, Higher Education Act Extension Act of 2007; "Yea," H. Res. 421, honoring the trailblazing accomplishments of the "Mercury 13" women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space; "Yea," H. Res. 446, honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing; "Yea," H.R. 1467, 10,000 Trained by 2010 Act; "Yea," H.R. 1716, Green Energy Education Act of 2007; "Yea," H.R. 632, H–Prize Act of 2007; "Yea," H.R. 964, Securely Protect Yourself Against Cyber Trespass Act; "Yea," H.R. 2560, Human Cloning Prohibition Act of 2007.

"Yea," H. Res. 453, rule providing consideration of H.R. 2446—Afghanistan Freedom and Security Act of 2007.

Amendments to H.R. 2446: "Yea," Lantos; "Yea," Ackerman; "Yea," Costa; "Yea," Franks; "Yea," Jackson-Lee: technical assistance; "Yea," Jackson-Lee: women legislators; "Yea," Kirk; "Yea," Kucinich; "Yea," Terry; "Yea," Van Hollen.

"Yea," H.R. 2446, Afghanistan Freedom and Security Support Act of 2007 (final passage).

PERSONAL EXPLANATION

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. HONDA. Madam Speaker, on Tuesday, June 5, I was unavoidably detained and was not present for a rollcall vote on that day. Had I been present I would have voted: "Yea" on rollcall 426 for passage of H. Res. 397, condemning violence in Estonia and attacks on Estonia's embassies in 2007, and expressing solidarity with the Government and the people of Estonia.

SENATOR PAUL SIMON STUDY ABROAD FOUNDATION ACT OF 2007

SPEECH OF

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007, legislation which establishes an educational foundation to increase the number of students studying overseas in developing countries and non-traditional areas.

The Senator Paul Simon Study Abroad Foundation would provide a national competition for student fellowships and also provide funds directly to colleges and universities to support their study abroad programs, enabling over one million American students to study abroad annually.

This program was first envisioned by my friend and mentor, the late Senator Paul Simon. Senator Simon had a bold vision for American renewal driven in part by international education. His vision included an understanding of diverse cultures, direct exposure to foreign languages, and increased interaction with the peoples of other nations as achieved through study abroad.

As with his other initiatives, Senator Simon worked diligently to bring his vision of international education to life. H.R. 1469 continues this legacy of education and understanding by completing that vision.

Senator Paul Simon had a life-long commitment and passion for education. As the founder and Director of the Public Policy Institute at Southern Illinois University, Senator Simon taught classes in journalism, political science, and history. As a scholar, he authored several books investigating the history and politics of Illinois. As a Senator, he was passionate about expanding educational opportunities to America's youth. I am proud to have worked for Senator Simon years ago, and I am proud that we are continuing his legacy here today.

Mr. Speaker, this legislation provides excellent educational opportunities to America's students, strengthens our international relations, and promotes good will throughout the world. I urge my colleagues to join me in supporting these laudable goals by voting in favor of H.R. 1469, the Senator Paul Simon Study Abroad Foundation Act of 2007.

VETERAN'S DAY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Ms. LOFGREN of California. Madam Speaker, this poem is in tribute to Veteran's Day.

I think of your valor,
In being willing to take a stand for liberty,
I am speechless,
In light of your bravery,
I know your type,
Is not charmed, by show-offs, in the ranks,
Nonetheless
Please, lower your guard for a moment,
And hear a grateful nation's thanks,
It's not the battles you fight, it's signing the line, saying you will.

HONORING DANIEL O. BERNSTINE

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. WU. Madam Speaker, I rise today to pay tribute to one of Oregon's great higher education leaders. Daniel O. Bernstine, president of Portland State University, which is located in my district, will soon leave Oregon to become the President and Chief Executive Officer of the Law School Admissions Council.

During his ten years as president of Oregon's largest and most diverse university, Portland State University has achieved many milestones. While many refer to Dan as a builder, a fundraiser, and an inspiring leader, I know Dan to be a student-oriented university president and someone who has always worked to provide greater opportunities for people through access to higher education.

As a president who walks his talk, Dan has opened the doors of higher education to literally thousands of students. Over the past ten years, enrollment at PSU grew from 14,000 students to over 24,000 students.

Another of President Bernstine's legacies at Portland State will be the growth in faculty research. During his tenure, the University has established several national research centers, including the Center for Electron Microscopy and Nanofabrication, the Oregon Transportation Research and Education Center, and the Center for Lakes and Reservoirs. As a result of Dan's dedication to enhancing the research programs that relate directly to the economic needs of the Portland metropolitan region, Portland State's faculty research funding has grown from $17 million in 1997 to over $40 million this year. I think it is safe to say that Dan Bernstine has helped generate one of the largest business enterprises, through university research, in the Portland area.

Finally, I want to speak to the partnerships that President Bernstine has fostered. Chief among them is his work to connect Portland State University to the area's community colleges. He has been so successful in building connections with the community colleges that I modeled legislation (HR. 596) after the work that was done to provide students with co-enrollment in Portland State and their local community college. Again, this is another example of the incredible commitment Dan Bernstine has to ensuring student success in higher education.

Daniel O. Bernstine came to Portland, Oregon in 1997 having served as Dean of the Law School at the University of Wisconsin. I first met Dan informally—before he had formally started at Portland State. I was having dinner in Portland and overheard a conversation—Dan was excitedly describing the various wonders and attributes of Portland State and the region to his dinner guest. I later found out that he was convincing, successfully, one of his staff from the University of Wisconsin to join him at Portland State. Even before he had started his first day, he was already a tireless advocate for Portland State and the region. Since that time he has been a visionary leader for Portland State and an active member of the community. One of his most significant volunteer efforts involved chairing the Urban League where he stabilized the organization and brought fiscal accountability to the operations.

Dan Bernstine will be missed—for his work at Portland State, for his enduring leadership in the community, and for his passion for opening the doors of higher education to the community. I hope our friendship and our yearly banters over the Stanford/Berkeley games will continue when he moves to Pennsylvania.

Madam Speaker, please join me in honoring Dan Bernstine for his contributions and in wishing him well in his new leadership opportunity.

CONGRATULATING THE PLATTSBURGH STATE WOMEN'S HOCKEY TEAM UPON WINNING THE 2007 DIVISION III NATIONAL CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. McHUGH. Madam Speaker, I rise today to congratulate the State University of New York at Plattsburgh (Plattsburgh State) Lady Cardinals upon winning the 2007 NCAA Division III Women's Ice Hockey National Championship, their first national championship and the third won by Plattsburgh State in a team sport.

On March 17, 2007, Plattsburgh State, which is located in my Congressional District, won the Division III National Championship when it defeated the Middlebury College Lady Panthers by a score of 2 to 1 at the Ronald B. Stafford Ice Arena in Plattsburgh, New York. In that game, Lindsay Brown and Shay Bywater scored goals for Plattsburgh State, Assistant Captain Danielle Blanchard and Lindsay Littman both added two assists, and goaltender Bree Doyle made 28 saves. Blanchard, Bywater, and Doyle and were all

named to the NCAA All-Tournament Team and Blanchard, Assistant Captain Julie Devereux, and Doyle earned All-American accolades.

Of note, Doyle, a two-time All American from Ogdensburg, New York, ended her collegiate career with the Lady Cardinals with a 50–4–3 record in 58 games and as the program's all-time leader in winning percentage (.904), goals against average (1.26), and save percentage (.936). She also is the Lady Cardinals' single season-leader in victories (23), games played (27), minutes played (1604.16), saves (520), and save percentage (.937), all of which she set during her junior year.

The Lady Cardinals team also included coaches Kevin Houle and Erin O'Brien as well as the following players: Danielle Beattie, Laurie Bowler, Ainsley Brien, Elise Campbell, Amber Ellis, Tiarra Garrow, Sandra Grant, Gina Kozar, Assistant Captain Keltie Jones, Tara Kahn, Kayla McDougall, Sam Menton, Lesley Ann Mitchell, Stephanie Moberg, Captain Jessica Moreau, Claire O'Connor, Sarah Samson, Sharis Smith, and Valen Timmons.

The Lady Cardinals completed the 2007 season as the first NCAA all-Divisions undefeated women's team with a record of 27–0–2 and just the fourth undefeated NCAA hockey team in history. They were ranked No. 1 in the U.S. College Hockey Online poll for the last 13 weeks, unanimous on 12 occasions, and set or tied NCAA Division III records for winning percentage (.966), home wins (18), and overall victories. Moreover, their coach, Kevin Houle, who has a 96–16–6 (.839) record in his four seasons at the helm, won the 2007 NCAA Division III Women's Ice Hockey Coach of the Year. Houle was also named the NCAA Division III Women's Ice Hockey Coach of the Year in 2006.

Madam Speaker, it is an honor to have the opportunity to congratulate the Plattsburgh State Lady Cardinals ice hockey team for their accomplishments. Accordingly, I now ask my colleagues to join me in recognizing the entire Lady Cardinals hockey team for their remarkable season.

PAYING TRIBUTE TO HEATHER WILDER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Heather Wilder a recent recipient of the 12th annual Prudential Spirit of Community Award from Nevada in 2007.

Heather Wilder is currently in the seventh grade at Ernest Becker Middle School. Heather is being recognized for writing a series of 10 booklets to help foster children cope with fear, anxiety, and uncertainty that often affect foster children. These informative booklets are based on Heather's own experiences in the foster services. She wrote the "ABCs" of foster care, and then with a grant from the City of Las Vegas, she was able to print these booklets which were distributed to orphanages, counseling centers, mental health hospitals and the Department of Child and Family Services.

Madam Speaker, I am proud to honor Heather Wilder and her achievements in providing hope and understanding in foster care situations. I wish Heather continued success in her efforts.

TRIBUTE TO DR. LAWRENCE T. GERATY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Dr. Geraty is one of these individuals. On June 7, 2007, he will be honored as the Greater Riverside Chambers of Commerce's Citizen of the Year at a celebration dinner.

Dr. Larry Geraty has led an impressive and interesting life. As a child he traveled with his missionary family who lived and worked in China, Burma, Hong Kong, Lebanon, England, Germany, France, Israel, California, Maryland, Michigan and Massachusetts. After his young travels, he obtained his bachelors degree from Pacific Union College and went on to the Theological Seminary at Andrews University. Larry served as a pastor before being invited to join the Andrews Theological Seminary faculty. He studied Hebrew Bible and biblical archaeology at Harvard where he earned his Doctor of Philosophy degree. Dr. Geraty then returned to Andrews Theological Seminary as Professor of Archaeology and History of Antiquity where he taught for 13 years. He also led a series of major archaeological expeditions to the Middle East.

In his distinguished academic career, Dr. Geraty has received many honors including a Fulbright Fellowship and serving as advisor on archaeology to former Crown Prince Hassan of Jordan. Dr. Geraty has served as a leader on several societies such as the Vice President of the American Center of Oriental Research in Amman, Jordan. He has lectured all over the world and is a contributing author to several publications.

In 1985, Dr. Geraty became President of the Atlantic Union College in South Lancaster, Massachusetts, where he earned the reputation as a progressive academic administrator. For over 14 years, Dr. Geraty has served as President and Professor of Archeology at La Sierra University in Riverside, California. During his time in Riverside, Dr. Geraty has become a staple of the community through his leadership and generosity. He served on several boards including the Greater Riverside Chambers of Commerce, United Way of the Inland Valleys, Mayors Higher Education/Business Council, Raincross Club, Monday Morning Group, World Affairs Council of Inland Southern California, Riverside Arts Council and the Riverside Youth Action Executive Policy Board.

In 2000, Dr. Geraty received the P.E. MacAllister Award for Excellence in Field Archeology from the American Schools of Oriental research, and in 2001, he received the Charles Elliott Weniger Award for Excellence at Pacific Union College.

In light of all Dr. Geraty has done for the community of Riverside, including serving as the 2006–2007 Chairman of the Board, the Riverside Chambers of Commerce has named Dr. Geraty their Citizen of the Year. Dr. Geraty's tireless passion for community service, education and faith has contributed immensely to the betterment of the community of Riverside, California. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

IN RECOGNITION OF BARBARA ROMEY

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. ROGERS of Alabama. Madam Speaker, I respectfully ask for the House's attention today to recognize the outstanding work of a constituent of mine, Mrs. Barbara Romey, who was recently named an Outstanding History Educator by The History Channel for her commitment to history and her students.

Mrs. Romey teaches Social Studies at Central High School in Phenix City, Alabama. She is known for teaching history in a way that helps students connect and engage with current national and local issues. Throughout her career, Mrs. Romey has helped shape her students into successful and contributing members of the Phenix City community.

I congratulate Mrs. Romey for receiving this award, for her commitment to excellence in teaching, and for her dedication to helping better the lives of her students.

TRIBUTE TO MARSHAL MIZE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. WAMP. Madam Speaker, I rise today to honor Mr. Marshal Mize from my hometown of Chattanooga, Tennessee, as he retires from the Board of Directors of the Enterprise Center. Mr. Mize has been an outstanding leader in our business and civic communities. Now that he will be devoting more time to his family, I want to take a moment to recognize his tremendous accomplishments and thank him for all he has done in Chattanooga.

Marshal is a graduate of Georgia Southern University and served his country honorably, achieving the rank of Captain in the U.S. Air Force. After his military service, he went to work for the Ford Motor Company, eventually starting his own dealership in Chattanooga where he received countless awards for his leadership in sales and customer service. Mr. Mize is currently the president, chief manager and owner of Chandler LLC, a diversified company with interest in land, commercial real estate, businesses and airplanes.

Marshal has served in numerous civic endeavors. His term as President of the Chattanooga Rotary Club and member of the

Board of Directors of The Enterprise Center will both be fulfilled in June. He has been active in the Chamber of Commerce, public television, Boy Scouts of America and was awarded the 10-Year Major Giving Award by the American Cancer Society. He serves as an elder and deacon of Signal Mountain Presbyterian Church.

Marshal Mize is a shining example of integrity, loyalty and outstanding leadership, and I am proud to recognize him today.

TRIBUTE TO HENRY P. JONES III

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. BERRY. Madam Speaker, I rise here today to pay tribute to a dear friend Henry P. Jones III. Henry is the Past President and CEO of the Jonesboro Regional Chamber of Commerce and has served the organization since January 1, 1981.

Under his leadership at the Chamber, Jonesboro has become Arkansas' fastest growing city and is home to more than 100 industrial plants and facilities. Henry has been involved in organizational management for over 45 years and was the driving force behind Jonesboro's many economic successes.

Henry Jones has a long list of accomplishments and distinctions. He has been the past president of the Arkansas Chamber of Commerce Executives, the Arkansas Association of Development Districts and the Economic Developers of Arkansas and is a past member of the Board of the Arkansas State Chamber of Commerce. In 1989, he was presented a Distinguished Service Award by the College of Business at ASU. In 1993, he was awarded a Pioneer Award by the Economic Developers of Arkansas. In 2002, the EDA presented him with the Outstanding Economic Developer Award. In 2004, the ASU College of Business Alumni Association named him the Business Executive of the Year.

Henry Jones has an impressive lifelong resume dedicated to public service. I ask my fellow members of Congress to join me in recognizing Henry Jones III for his tremendous contribution to Arkansas and our country.

CALLING ON THE GOVERNMENT OF CHINA TO STOP GENOCIDE AND VIOLENCE IN DARFUR, SUDAN

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 5, 2007

Mr. CONYERS. Mr. Speaker, I rise in strong support of H. Res. 422, offered by my good friend from California, Ms. LEE. This resolution urges the People's Republic of China to use its influence and economic leverage to stop the genocide in Darfur.

I recently returned from a congressional delegation to China. I understand Beijing's unique economic and diplomatic ability to pressure the Government of Sudan. For example, China has invested in Sudan's oil industry and imports Sudan's oil. China's potential veto power at the U.N. Security Council gives China important influence over the issue. Finally, as revealed in media reports, China provides military assistance to Sudan. In light of these facts, China's condemnation of the atrocities in Darfur is simply not enough. For years, despite strong condemnation from the international community, the Government of Sudan and its Janjaweed allies continue to murder innocent civilians with impunity.

China must not only acknowledge and condemn the atrocities in Darfur, it must cease all military arms and related sales to the Sudan. During my trip to China, I was told that China is taking numerous steps to press Sudan to resolve the crisis in Darfur and that the international community should not link the 2008 Olympic Games with what is occurring in the Sudan. That is why I was startled to learn a month ago of news reports claiming that arms were freely flowing from China to Sudan, including reports of Chinese jet fighters in Darfur. For example, Amnesty International has reported that Sudan imported $24 million worth of arms and ammunition, nearly $57 million worth of parts and aircraft equipment, and $2 million worth of parts for helicopters and aircraft from China. Such reports are definitely more than the ''limited'' assistance that Chinese officials claim is taking place.

I understand that China has taken some constructive steps and is deeply concerned about what is occurring in Sudan. I applaud China's efforts in using diplomatic means to resolve the conflict, such as the April 2007 trip of Zhai Jun to Sudan to push the Sudanese Government to accept a United Nations peacekeeping force. These steps are necessary, but in a conflict in which at least 200,000 people—some say as many as 400,000—have died and 2.5 million have been displaced, it is crucial to cut off the supply of war machinery which fuels the conflict. On my visit to China, I worked strenuously to convey that we all live together in the spirit of cooperation and friendship. As the host of the 2008 Olympics, I know the Chinese hold this belief and hope that they will continue to work together with the international community to end the violence in Darfur.

PAYING TRIBUTE TO MOLLIE SINGER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 6, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Mollie Singer a recent recipient of 12th annual Prudential Spirit of Community Award from Nevada in 2007.

Mollie Singer is currently a senior attending Nevada State High School. At the age of 4, she was diagnosed with diabetes and now it is her goal to vigorously raise money and promote awareness of the disease. Each year Mollie organizes a team to participate in the Juvenile Diabetes Research Foundation's Walk to Cure Diabetes, her efforts have raised over $100,000 for the foundation. Mollie also organizes luncheons, picnics and other events to collect money for medical research.

In addition to her efforts on behalf of the Juvenile Diabetes Research Foundation, Mollie has educated the public by co-authoring a booklet called ''The Road to a Cure'', produced a video diary, and made public announcements. She has also formed a support group for those diagnosed with the disease. For her efforts, Mollie will receive a $1,000 award along with a silver medallion and a trip to Washington D.C. for her dedication to volunteering for this very worthy cause.

Madam Speaker, I am proud to honor Mollie Singer. Her efforts to raise awareness and find a cure for Diabetes are commendable. I wish Mollie continued success in her efforts.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 7, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 12

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of Michael J. Burns, of New Mexico, to be Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, Vice Admiral Eric T. Olson, USN, for appointment to the grade of admiral and to be Commander, United States Special Operations Command, Thomas P. D'Agostino, of Maryland, to be Under Secretary for Nuclear Security, Department of Energy, and Michael G. Vickers, of California, to be an Assistant Secretary of Defense.

SD–106

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the Universal Service Fund, focusing on assessing the recommendations of the Federal-State Joint Board.

SR–253

Environment and Public Works

To hold hearings to examine the health effects of asbestos, focusing on methods of mitigating such impacts.

SD–406

Judiciary

To hold hearings to examine rising crime in the aftermath of Hurricane Katrina.

SD–226

2:30 p.m.

Foreign Relations

International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine the efficacy of the Foreign Assistance Reform, focusing on successes, failures, and the next steps; to be followed immediately by a full committee hearing to examine the nomination of the Reuben Jeffery III, to be Under Secretary of State for Economic, Energy and Agricultural Affairs.

SD–419

Homeland Security and Governmental Affairs

Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee

To hold hearings to examine assessing telework policies and initiatives in the federal government.

SD–562

Intelligence

To hold hearings to examine terrorist ideology.

SH–216

JUNE 13

9:30 a.m.

Veterans' Affairs

To hold an oversight hearing to examine Department of Veterans Affairs, Department of Defense, and Department of Labor cooperation on employment issues.

SD–562

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider original bills entitled ''The Higher Education Access Reconciliation Act'' and ''The Higher Education Amendments of 2007'', and other pending calendar business.

SD–628

Rules and Administration

To hold hearings to examine nominations to the Federal Election Commission.

SR–301

2 p.m.

Foreign Relations

To hold hearings to examine the nominations of Anne Woods Patterson, of Virginia, to be Ambassador to the Islamic Republic of Pakistan, Nancy J. Powell, of Iowa, to be Ambassador to Nepal, Joseph Adam Ereli, of the District of Columbia, to be Ambassador to the Kingdom of Bahrain, Richard Boyce Norland, of Iowa, to be Ambassador to the Republic of Uzbekistan, and Stephen A. Seche, of Virginia, to be Ambassador to the Republic of Yemen.

SD–419

JUNE 14

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine public safety and competition issues, focusing on the 700MHz auction.

SR–253

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH–219

JUNE 27

9:30 a.m.

Veterans' Affairs

Business meeting to mark up pending legislation.

SD–562

POSTPONEMENTS

JUNE 12

2:30 p.m.

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine United States trade relations with China.

SR–253

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S7097–S7270

Measures Introduced: Eight bills and five resolutions were introduced, as follows: S. 1553–1560, S. Res. 221–223, and S. Con. Res. 35–36.

Pages S7177–78

Measures Passed:

Civil Affairs and Military Government Sections of the United States Armed Forces: Senate agreed to S. Res. 223, recognizing the efforts and contributions of the members of the Monuments, Fine Arts, and Archives program under the Civil Affairs and Military Government Sections of the United States Armed Forces during and following World War II who were responsible for the preservation, protection, and restitution of artistic and cultural treasures in countries occupied by the Allied armies.

Pages S7269–70

Measures Considered:

Comprehensive Immigration Reform: Senate continued consideration of S. 1348, to provide for comprehensive immigration reform, and taking action on the following amendments proposed thereto:

Pages S7099–S7152, S7153–67

Adopted:

By 66 yeas to 32 nays (Vote No. 186), Kennedy Modified Amendment No. 1333 (to Amendment No. 1150), to increase the immigration-related penalties associated with various criminal activities.

Pages S7101–15

Lieberman Modified Amendment No. 1191 (to Amendment No. 1150), to provide safeguards against faulty asylum procedures and to improve conditions of detention. **Pages S7099, S7140–43**

By 57 yeas to 39 nays (Vote No. 190), Cornyn Amendment No. 1250 (to Amendment No. 1150), to address documentation of employment and to make an amendment with respect to mandatory disclosure of information. **Pages S7099, S7144, S7145**

By 57 yeas to 40 nays (Vote No. 191), Reid Amendment No. 1331 (to Amendment No. 1150), to clarify the application of the earned income tax credit. **Pages S7122–23, S7145–46**

By 56 yeas to 41 nays (Vote No. 192), Sessions Amendment No. 1234 (to Amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status.

Pages S7099, S7137–39, S7146

By 51 yeas to 45 nays (Vote No. 194), Reid (for Kyl/Specter) Amendment No. 1460 (to Amendment No. 1150), to modify the allocation of visas with respect to the backlog of family-based visa petitions.

Pages S7122–23, S7147

Reid (for Thomas) Amendment No. 1182 (to Amendment No. 1150), to authorize the Secretary to establish new units of Customs Patrol Officers.

Pages S7147–48

Reid (for Schumer) Amendment No. 1272 (to Amendment No. 1150), to improve security by providing for the establishment of B–1 visitor visa decisionmaking guidelines and a tracking system.

Page S7148

By 58 yeas to 39 nays (Vote No. 197), Reid (for Salazar) Modified Amendment No. 1384 (to Amendment No. 1150), to preserve and enhance the role of the English language. **Pages S7149, S7154, S7160–61**

By 64 yeas to 33 nays (Vote No. 198), Reid (for Inhofe) Amendment No. 1151 (to Amendment No. 1150), to amend title 4, United States Code, to declare English as the national language of the Government of the United States.

Pages S7149, S7151–52, S7157–58, S7161

Reid (for Hutchison/Grassley) Amendment No. 1415 (to Amendment No. 1150), to prohibit obtaining Social Security benefits based on earnings obtained during any period without work authorization. **Pages S7149–50, S7154, S7156–57, S7161**

By 49 yeas to 48 nays (Vote No. 201), Reid (for Dorgan/Durbin) Amendment No. 1316 (to Amendment No. 1150), to sunset Y–1 nonimmigrant visa program after a 5-year period.

Pages S7149, S7159, S7162–36

Rejected:

By 46 yeas to 51 nays (Vote No. 187), Cornyn Modified Amendment No. 1184 (to Amendment No. 1150), to establish a permanent bar for gang members, terrorists, and other criminals.

Pages S7099–S7115, S7160–61

By 43 yeas to 55 nays (Vote No. 188), DeMint Amendment No. 1197 (to Amendment No. 1150), to require health care coverage for holders of Z nonimmigrant visas. **Pages S7099, S7120–21**

By 41 yeas to 57 nays (Vote No. 189), Bingaman/Obama Modified Amendment No. 1267 (to Amendment No. 1150), to remove the requirement that Y–1 nonimmigrant visa holders leave the United States before they are able to renew their visa.

Pages S7099, S7117–20, S7121–22

By 42 yeas to 55 nays (Vote No. 196), Reid (for Ensign) Amendment No. 1374 (to Amendment No. 1150), to improve the criteria and weights of the merit-based evaluation system.

Pages S7148–49, S7153–54, S7158, S7159–60

By 48 yeas to 49 nays (Vote No. 199), Reid (for Vitter) Amendment No. 1339 (to Amendment No. 1150), to require that the U.S. VISIT system—the biometric border check-in/check-out system first required by Congress in 1996 that is already well past its already postponed 2005 implementation due date—be finished as part of the enforcement trigger.

Pages S7150, S7154–55, S7158–59, S7161–62

By 42 yeas to 55 nays (Vote No. 200), Salazar (for Obama) Modified Amendment No. 1202 (to Amendment No. 1150), to provide a date on which the authority of the section relating to the increasing of American competitiveness through a merit-based evaluation system for immigrants shall be terminated. **Pages S7099, S7149, S7155–56, S7162**

Pending:

Reid (for Kennedy/Specter) Amendment No. 1150, in the nature of a substitute.

Pages S7099–S7152, S7153–67

Dodd/Menendez Amendment No. 1199 (to Amendment No. 1150), to increase the number of green cards for parents of United States citizens, to extend the duration of the new parent visitor visa, and to make penalties imposed on individuals who overstay such visas applicable only to such individuals. **Pages S7099, S7144–45**

Sessions Amendment No. 1235 (to Amendment No. 1150), to save American taxpayers up to $24 billion in the 10 years after passage of this Act, by preventing the earned income tax credit, which is, according to the Congressional Research Service, the largest anti-poverty entitlement program of the Federal Government, from being claimed by Y temporary workers or illegal aliens given status by this Act until they adjust to legal permanent resident status. **Pages S7099, S7133–34**

Whitehouse (for Coburn/DeMint) Modified Amendment No. 1311 (to Amendment No. 1150), to require the enforcement of existing border security and immigration laws and Congressional approval before amnesty can be granted. **Page S7165**

During consideration of this measure today, the Senate also took the following action:

By 53 yeas to 44 nays (Vote No. 193), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Menendez Amendment No. 1194 (to Amendment No. 1150), to modify the deadline for the family backlog reduction. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

Pages S7099, S7130–33, S7146–47

By 44 yeas to 53 nays (Vote No. 195), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to waive section 201 of S. Con. Res. 21, FY08 Congressional Budget Resolution, with respect to Salazar (for Clinton) Further Modified Amendment No. 1183 (to Amendment No. 1150), to reclassify the spouses and minor children of lawful permanent residents as immediate relatives. Subsequently, the pay-as-you-go point of order that the amendment would cause or increase an on-budget deficit for either of the applicable time periods set out in S. Con. Res. 21, was sustained, and the amendment thus fell.

Pages S7099, S7116–17, S7150–51, S7159

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:00 a.m., on Thursday, June 7, 2007, that there be an hour of debate between the Majority and Republican Leaders, or their designees, to run concurrently and with respect to Whitehouse (for Coburn/DeMint) Modified Amendment No. 1311 (to Amendment No. 1150) (listed above), and the motion to invoke cloture on Reid (for Kennedy/Specter) Amendment No. 1150 (listed above); provided that no amendments be in order to Whitehouse (for Coburn/DeMint) Modified Amendment No. 1311 (to Amendment No. 1150) prior to the vote, and that upon the use or yielding back of time, Senate vote on or in relation to Whitehouse (for Coburn/DeMint) Modified Amendment No. 1311 (to Amendment No. 1150); that upon disposition of Whitehouse (for Coburn/DeMint) Modified Amendment No 1311 (to Amendment No. 1150), Senate vote on the motion to invoke cloture on Reid (for

Kennedy/Specter) Amendment No. 1150; provided further, that Members have until 10:30 a.m., on Thursday, June 7, 2007, to file any germane second-degree amendments. **Page S7270**

Appointments:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Hutchison as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference for the first session of the 110th Congress. **Page S7269**

Attorney General Gonzales Sense of the Senate—Cloture: Senate began consideration of the motion to proceed to consideration of S. J. Res. 14, expressing the sense of the Senate that Attorney General Alberto Gonzales no longer holds the confidence of the Senate and of the American people.

A motion was entered to close further debate on the motion to proceed to consideration of the joint resolution, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 8, 2007. **Page S7152**

Subsequently, the motion to proceed was withdrawn. **Page S7152**

Clean Energy Act—Cloture: Senate began consideration of the motion to proceed to consideration of H.R. 6, to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy.

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, June 8, 2007. **Page S7153**

Subsequently, the motion to proceed was withdrawn. **Page S7153**

Nominations: Discharged Nomination: The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar pursuant to an order of the Senate of January 9, 2007:

*Michael W. Tankersley, of Texas, to be Inspector General, Export-Import Bank.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate. **Page S7270**

Messages from the House: **Pages S7175–76**

Executive Communications: **Pages S7176–77**

Additional Cosponsors: **Pages S7178–80**

Statements on Introduced Bills/Resolutions: **Pages S7180–98**

Additional Statements: **Pages S7174–75**

Amendments Submitted: **Pages S7198–S7269**

Authorities for Committees to Meet: **Page S7269**

Privileges of the Floor: **Page S7269**

Record Votes: Sixteen record votes were taken today. (Total—201) **Pages S7115, S7121–22, S7145–47, S7159–63**

Adjournment: Senate convened at 9:30 a.m. on Wednesday, June 6, 2007 and adjourned at 12:41 a.m. on Thursday, June 7, 2007, until 10 a.m. on the same day. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S .)

Committee Meetings

(Committees not listed did not meet)

TUBERCULOSIS PATIENT

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, Education, and Related Agencies concluded a hearing to examine failures in the health care and border control systems, focusing on one tuberculosis patient's international public health threat, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, and Anthony S. Fauci, Director, National Institute of Allergy and Infectious Diseases, National Institutes of Health, both of the Department of Health and Human Services; Deborah J. Spero, Deputy Commissioner, United States Customs and Border Protection, Department of Homeland Security; Steven R. Katkowsky, Fulton County Department of Health and Wellness, and Andrew Speaker, both of Atlanta, Georgia; and Nils Daulaire, Global Health Council, Washington, D.C.

THE ROLE OF PRIVATE STUDENT LENDING

Committee on Banking, Housing, and Urban Affairs: Committee concluded a hearing to examine paying for a college education, focusing on the role of private student lending, after receiving testimony from New York Attorney General Andrew M. Cuomo, Tracy Grooms, Bank of America Corporation, and Peter B. Tarr, First Marblehead Corporation, all of New York, New York; Sevester Bell, Howard University, Jennifer Pae, United States Student Association, Barry W. Goulding, Sallie Mae, and Luke Swarthout, United States Public Interest Research

Group (U.S. PIRG), all of Washington, D.C.; and Jonathan Avidan, Langhorne, Pennsylvania.

EFFECTS OF CLIMATE CHANGE ON WATER SUPPLY

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine the impact of climate change on water supply and availability in the United States, focusing on related issues from a water-use perspective, after receiving testimony from Christopher Milly, Research Hydrologist, United States Geological Survey, and Terry Fulp, Area Manager, Boulder Canyon Operations Office, Bureau of Reclamation, both of the Department of the Interior; Bradley H. Udall, Director, National Oceanic Atmospheric Administration-University of Colorado Western Water Assessment, Boulder; Timothy F. Brick, Metropolitan Water District of Southern California, Los Angeles; Philip W. Mote, University of Washington Climate Impacts Group, Seattle; Patrick O'Toole, Family Farm Alliance, Savery, Wyoming; Jack Williams, Trout Unlimited, Arlington, Virginia; and Timothy Culbertson, National Hydropower Association, Ephrata, Washington.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following:

S. 506, to improve efficiency in the Federal Government through the use of high-performance green buildings, with an amendment in the nature of a substitute;

H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, with an amendment in the nature of a substitute;

H.R. 798, to direct the Administrator of General Services to install a photovoltaic system for the headquarters building of the Department of Energy;

S. 635, to provide for a research program for remediation of closed methamphetamine production laboratories; and

S. 1523, to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant.

TRADE AND GLOBALIZATION

Committee on Finance: Committee concluded a hearing to examine international trade and globalization, focusing on adjustments for a 21st century workforce, after receiving testimony from Lael Brainard, Brookings Institution Global Economy and Development Program, Jane McDonald-Pines, AFL–CIO, and Howard Rosen, Trade Adjustment Assistance Coalition, all of Washington, D.C.; Kimberly M. Didier, Newton Development Corporation, Newton, Iowa; and Jerry Ann Ross, Eureka, Montana.

THE FUTURE OF AMERICAN INNOVATION

Committee on the Judiciary: Committee concluded a hearing to examine S. 1145, to amend title 35, United States Code, to provide for patent reform, focusing on the future of American innovation, after receiving testimony from Jon W. Dudas, Under Secretary for Intellectual Property, and Director, United States Patent and Trademark Office, Department of Commerce; Bruce G. Bernstein, InterDigital Communications Cooperation, King of Prussia, Pennsylvania; Mary E. Doyle, Palm, Inc., Sunnyvale, California; John A. Squires, Goldman, Sachs and Company, New York, New York; and Kathryn L. Biberstein, Alkermes, Inc., Cambridge, Massachusetts, on behalf of the Biotechnology Industry Organization (BIO).

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 28 public bills, H.R. 2576–2603; and 6 resolutions, H. Con. Res. 165; and H. Res. 460, 466–469, were introduced. **Pages H6109–11**

Additional Cosponsors: **Pages H6111–12**

Reports Filed: Reports were filed today as follows:

H. Res. 459, dismissing the election contest relating to the office of Representative from the Twenty-first Congressional District of Florida (H. Rept. 110–175);

H. Res. 461, dismissing the election contest relating to the office of Representative from the Twenty-fourth Congressional District of Florida (H. Rept. 110–176);

H. Res. 462, dismissing the election contest relating to the office of Representative from the Fourth Congressional District of Louisiana (H. Rept. 110–177);

H. Res. 463, dismissing the election contest relating to the office of Representative from the Fifth Congressional District of Florida (H. Rept. 110–178);

H. Res. 464, providing for consideration of the bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research (H. Rept. 110–179); and

H. Res. 465, providing for consideration of the bill (H.R. 65) to provide for the recognition of the Lumbee Tribe of North Carolina (H. Rept. 110–180). **Page H6109**

Speaker: Read a letter from the Speaker wherein she appointed Representative McNulty to act as Speaker Pro Tempore for today. **Page H6011**

Chaplain: The prayer was offered by the guest Chaplain, Rev. Zane Fishel, Temple Baptist Church, Mount Airy, North Carolina. **Page H6011**

Moment of Silence: The House observed a moment of silence in memory of the Honorable Craig Thomas, a Senator from the State of Wyoming. **Page H6011**

Permitting Official Photographs of the House in session: The House agreed to H. Res. 460, permitting official photographs of the House of Representatives to be taken while the House is in actual session on a date designated by the Speaker. **Page H6015**

Authorizing the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center: The House agreed to S. 1537, to authorize the transfer of certain funds from the Senate Gift Shop Revolving Fund to the Senate Employee Child Care Center—clearing the measure for the President. **Page H6015**

Suspensions: The House agreed to suspend the rules and pass the following measures:

National STEM Scholarship Database Act: H.R. 1051, amended, to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics; **Pages H6015–18**

Temporarily extending the programs under the Higher Education Act of 1965: H.R. 2559, to temporarily extend the programs under the Higher Education Act of 1965; **Pages H6018–19**

Honoring the trailblazing accomplishments of the "Mercury 13" women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space: H. Res. 421, to honor the trailblazing accomplishments of the "Mercury 13" women, whose efforts in the early 1960s demonstrated the capabilities of American women to undertake the human exploration of space; **Pages H6019–21**

Honoring the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing: H. Res. 446, to honor the life and accomplishments of Astronaut Walter Marty Schirra and expressing condolences on his passing; **Pages H6021–23**

10,000 Trained by 2010 Act: H.R. 1467, to authorize the National Science Foundation to award grants to institutions of higher education to develop and offer education and training programs; **Pages H6024–26**

Green Energy Education Act of 2007: H.R. 1716, amended, to authorize higher education curriculum development and graduate training in advanced energy and green building technologies, by a ⅔ yea-and-nay vote of 416 yeas with none voting "nay", Roll No. 432; **Pages H6026–27, H6046**

H-Prize Act of 2007: H.R. 632, amended, to authorize the Secretary of Energy to establish monetary prizes for achievements in overcoming scientific and technical barriers associated with hydrogen energy, by a ⅔ yea-and-nay vote of 408 yeas to 8 nays, Roll No. 433; and **Pages H6027–31, H6047**

Securely Protect Yourself Against Cyber Trespass Act Spy Act: H.R. 964, amended, to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, by a ⅔ yea-and-nay vote of 368 yeas to 48 nays, Roll No. 434. **Pages H6031–37, H6047–48**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

Amending the Federal Food, Drug, and Cosmetic Act to prohibit human cloning: H.R. 2560, to amend the Federal Food, Drug, and Cosmetic Act to prohibit human cloning, by a ⅔ yea-and-nay vote of 204 yeas to 213 nays, Roll No. 439. **Pages H6037–42, H6077–78**

Executive Communication—Committee Referral: Agreed that Executive Communication 1370, the Department of Transportation's final rule—Human Space Flight Requirements for Crew and Space Flight Participants, be re-referred to the Committee on Science and Technology. **Pages H6024**

Afghanistan Freedom and Security Support Act of 2007: The House passed H.R. 2446, to reauthorize the Afghanistan Freedom Support Act of 2002, by a recorded vote of 406 ayes to 10 noes, Roll No. 438. **Pages H6048–73, H6073–77**

Agreed to the Pence motion to recommit the bill to the Committee on Foreign Affairs with instructions to report the same back to the House forthwith with an amendment, by a recorded vote of 345 ayes to 71 noes, Roll No. 437. Subsequently, Representative Lantos reported the bill back to the House with the amendment and the amendment was agreed to. **Pages H6075–77**

Pursuant to the rule, Representative Lantos requested that amendment No. 11 printed in H. Rept. 110–174 be offered at any time. **Page H6048**

Agreed to:

Lantos manager's amendment (No. 1 printed in H. Rept. 110–174) that makes a number of technical, clarifying, and clerical changes to several provisions of H.R. 2446 as reported by the Committee on Foreign Affairs; **Page H6062**

Ackerman amendment (No. 2 printed in H. Rept. 110–174) that adds language to section 302 of the bill to ensure that the Presidential report required by that section includes an assessment of the quality of governance in each province of Afghanistan focusing in particular on the implementation of the rule of law, the impact of any human rights abuses by Afghan government forces on overall counterinsurgency efforts, and the ability of the courts and judicial system to provide an effective justice system; **Pages H6062–63**

Costa amendment (No. 3 printed in H. Rept. 110–174) that enhances the Offices of the Inspector General at the Department of State and the U.S. Agency for International Development by requiring that permanent in-country staff be deployed to audit, investigate and oversee the programs authorized in Title I of the Afghanistan Freedom and Support Act of 2002, and bolsters the authorization of funds for this purpose; **Pages H6064–65**

Franks (AZ) amendment (No. 4 printed in H. Rept. 110–174) that adds a congressional finding stating that the U.S. Armed Forces in Afghanistan recently intercepted a shipment of Iranian-made weapons intended for the Taliban in Afghanistan, and establishes a reporting requirement on Iranian-made weapons being sold to or used by the Taliban in Afghanistan; **Pages H6065–66**

Jackson-Lee (TX) amendment (No. 5 printed in H. Rept. 110–174) that states that technical assistance should be provided to train national, provincial, and local governmental personnel for capacity-building purposes as it relates to education, health care, human rights (particularly women's rights), and political participation and also seeks to ensure girls complete secondary education so they are prepared and have the ability to pursue post-secondary education; **Pages H6066–67**

Jackson-Lee (TX) amendment (No. 6 printed in H. Rept. 110–174) that seeks to bolster women's political participation by protecting women legislators when they return to the provinces they represent and states that it is the sense of Congress that assistance provided to foreign countries and international organizations under this provision should be used, in part, to protect these female legislators; **Pages H6067–69**

Terry amendment (No. 9 printed in H. Rept. 110–174) that states that the U.S. Agency for International Development (USAID) should give priority in awarding grants to non-governmental organizations to aid in the revitalization of Afghanistan to organizations based in the United States that have an established and cost-effective record of developing and administering such programs within Afghanistan, including teaching the people of Afghanistan how to create and sustain quality economic and educational systems; **Pages H6071–72**

Van Hollen amendment (No. 10 printed in H. Rept. 110–174) that promotes the empowerment of citizens at the local level in the reconstruction and economic development decision-making process and creates an environment conducive to Afghan small business development; and **Pages H6072–73**

Kirk amendment (No. 7 printed in H. Rept. 110–174) that allows the Secretary of State, at her discretion, to make payments from the Rewards for Justice Program to officers or employees of the Afghan or Pakistani government who provide information leading to the capture of exceptional and high-profile terrorists committing acts in Afghanistan (by a recorded vote of 419 ayes to 1 no, Roll No. 435). **Pages H6069–70, H6073–74**

Rejected:

Kucinich amendment (No. 8 printed in H. Rept. 110–174) that sought to divert $500,000 in authorization authority for the United States contribution to the Post-Operations Humanitarian Relief Fund of the International Security Assistance Force (ISAF) (by a recorded vote of 159 ayes to 260 noes). **Pages H6070–71, H6074–75**

Withdrawn:

Souder amendment (No. 11 printed in H. Rept. 110–174) that was offered and subsequently withdrawn that would have specified that logistical support activities for counter narcotics missions in Afghanistan include force protection and in extremis support. **Pages H6063–64**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6077**

H. Res. 453, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of

220 yeas to 195 nays, Roll No. 431, after agreeing to order the previous question. **Pages H6042–46**

Recess: The House recessed at 4:52 p.m. and reconvened at 5:18 p.m. **Page H6073**

Recognizing the employees of Dallas-Fort Worth International Airport: Agreed by unanimous consent to discharge from committee and agree to H. Res. 391, recognizing the employees of Dallas-Fort Worth International Airport, the North Texas Commission, USO, and the people and businesses of North Texas for their dedication to the ''Welcome Home a Hero'' program. **Page H6078**

Senate Message: Message received from the Senate today appears on page H6011.

Quorum Calls—Votes: Five yea-and-nay votes and four recorded votes developed during the proceedings of today and appear on pages H6045–46, H6046, H6047, H6047–48, H6074, H6074–75, H6076, H6077 and H6077–78. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:12 p.m.

Committee Meetings

FARM BILL EXTENSION ACT OF 2007

Committee on Agriculture: Subcommittee on Specialty Crops, Rural Development, and Foreign Agriculture approved for full Committee action, as amended, H.R. 2419, Farm Bill Extension Act of 2007.

ENERGY AND WATER DEVELOPMENT, AND RELATED AGENCIES AND MILITARY CONSTRUCTION, VETERANS AFFAIRS AND RELATED APPROPRIATIONS FISCAL YEAR 2008

Committee on Appropriations: Ordered reported the following appropriations for Fiscal Year 2008: Energy and Water Development, and Related Agencies; and Military Construction, Veterans Affairs, and Related Agencies.

LEGISLATIVE BRANCH APPROPRIATIONS FISCAL YEAR 2008

Committee on Appropriations: Subcommittee on Legislative Branch approved for full Committee action the Legislative Branch Appropriations for Fiscal Year 2008.

DOD'S BODY ARMOR PROGRAMS

Committee on Armed Services: Held a hearing on the Department of Defense body armor programs. Testimony was heard from the following officials of the Department of Defense: LTG N. Ross Thompson III, USA, Military Deputy/Director, Army Acquisition Corps, Office of the Assistant Secretary (Acquisition, Logistics, and Technology); BG Mark Brown, USA, Program Executive Officer, U.S. Army; Roger Smith, Deputy Assistant Secretary, Littoral and Mine Warfare, Department of the Navy; COL Ed Smith, USMC, Product Group Director, Combat Equipment and Support Systems, U.S. Marine Corps; Douglas D. Thomas, Executive Director, Air Force Office of Special Investigations, U.S. Air Force; and COL Kevin Noonan, USA, Program Executive Office—Special Operations Forces—Warrior, U.S. Special Operations Command; William M. Solis, Director, Defense Capabilities and Management Team, GAO; and public witnesses.

NAVY BOAT BARRIERS PROCUREMENT

Committee on Armed Services: Subcommittee on Seapower and Expeditionary Forces held a hearing on procurement of Navy boat barriers. Testimony was heard from the following officials of the Naval Criminal Investigative Service, Department of the Navy: Tomas Betro, Director; and Cathy Riddick-Brown, Deputy Assistant Director, Acquisition and Logistics; and James A. Williams, Commissioner, Federal Acquisition Service, GSA.

CHILD PRODUCT SAFETY

Committee on Energy and Commerce: Subcommittee on Commerce, Trade, and Consumer Protection held a hearing on measures to Improve Consumer Product Safety for Children, H.R. 2474, To provide for an increased maximum civil penalty for violations under the Consumer Product Safety Act; H.R. 1699, Danny Keysar Child Product Safety Notification Act; H.R. 814, Children's Gasoline Burn Prevention Act; and H.R. 1721, Pool and Spa Safety Act. Testimony was heard from public witnesses.

CHINA FINANCIAL SERVICES SECTOR REFORM

Committee on Financial Services: Held a hearing entitled ''U.S. Interests in Reform of China's Financial Services Sector.'' Testimony was heard from public witnesses.

REAUTHORIZATION—NATIVE AMERICAN HOUSING ASSISTANCE

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled ''Reauthorization of the Native American Housing Assistance and Self-Determination Act.'' Testimony was heard from Orlando J. Cabrera, Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development; and public witnesses.

U.S.-NORTH AFRICA POLICY CHALLENGERS

Committee on Foreign Affairs: Held a hearing on U.S. Policy Challenges in North Africa. Testimony was heard from C. David Welch, Assistant Secretary, Bureau of Near Eastern Affairs, Department of State.

TUBERCULOSIS INCIDENT RESPONSE

Committee on Homeland Security: Held a hearing entitled ''The XDR Tuberculosis Incident: A Poorly Coordinated Federal Response to an Incident with Homeland Implications.'' Testimony was heard from the following officials of the Department of Homeland Security: Jeffrey Runge, M.D., Chief Medical Officer; W. Ralph Basham, Commissioner, and Jayson P. Ahern, Assistant Commissioner, Office of Field Operations, both with Customs and Border Protection; Julie Gerberding, M.D., Director, Centers for Disease Control and Prevention, Department of Health and Human Services.

NATIONAL BIO AND AGRO-DEFENSE FACILITY

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology approved for full Committee action, as amended, H.R. 1717, To amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility.

COMPREHENSIVE IMMIGRATION REFORM; RULES OF PROCEDURE PRIVATE IMMIGRATION BILLS AND PRIVATE CLAIMS BILLS; POLICY ON GRANTING CHARTERS

Committee on the Judiciary: Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to continue hearings on Comprehensive Immigration Reform: Business Community Perspectives. Testimony was heard from public witnesses.

The Subcommittee also continued hearings on Comprehensive Immigration Reform: Government Perspectives on Immigration Statistics. Testimony was heard from Representatives Crowley and Rohrabacher; Ron Bird, Chief Economist and Director, Office of Economic Policy and Analysis, Department of Labor; Michael Hoefer, Director. Office of Immigration Statistics, Department of Homeland Security; Charles Oppenheim, Chief, Visa Control and Reporting Division, Department of State; and Ruth Ellen Wasem, Specialist in Immigration Policy, CRS, Library of Congress.

The Subcommittee also adopted the following: Rules of Procedure and Statement of Policy for Private Immigration Bills; Rules of Procedure for Private Claims Bills, and the Subcommittee's Policy on the Granting of Federal Charters.

ENERGY POLICY REFORM AND REVITALIZATION ACT OF 2007

Committee on Natural Resources: Began markup of H.R. 2337, Energy Policy Reform and Revitalization Act of 2007.

Will continue tomorrow.

FDA'S DRUG SAFETY EVALUATION OF AVANDIA

Committee on Oversight and Government Reform: Held a hearing on FDA's Role in the Evaluation of Avandia's Safety. Testimony was heard from Andrew C. Von Eschenbach, M.D., Commissioner, FDA, Department of Health and Human Services; and public witnesses.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2006

Committee on Rules: Granted, by a voice vote, a closed rule. The rule provides for 1 hour of debate on S. 5, Stem Cell Research Enhancement Act of 2007, equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce. The rule waives all points of order against the bill and its consideration except those arising under close 10 of rule XXI. The bill shall be considered as read. The rule provides one motion to commit. Finally, the rule permits the Chair, during consideration of the bill, to postpone further consideration of it to a time designated by the Speaker. Testimony was heard from Representative DeGette and Weldon of Florida.

LUMBEE RECOGNITION ACT

Committee on Rules: Granted, by a voice vote, a closed rule. The rule provides 1 hour of general debate in the House on H.R. 65, Lumbee Recognition Act, 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 amendment printed in the report, shall be considered as adopted. The rule waives all points of order against the bill, as amended, and provides that the bill, as amended, shall be considered as read. 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 Faleomavaega, McIntyre. Schuler and Shays.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Subcommittee on Energy and Environment approved for full Committee action, as amended the following bills: H.R. 906, Global Change Research and Data Management Act of 2007; H.R. 2304, Advanced Geothermal Energy Research and Development Act of 2007; and H.R. 2313, Marine Renewable Energy Research and Development Act of 2007.

STEM EDUCATION PROGRAMS

Committee on Science and Technology: Subcommittee on Research and Science Education held a hearing on STEM Education Programs. Testimony was heard from Cora Marrett, Assistant Director, Directorate for Education and Human Resources, NSF; Joyce Winterton, Assistant Administrator, Office of Education, NASA; Bruce Fuchs, Director, Office of Science Education, NIH, Department of Health and Human Services; and William Valdez, Director, Office of Workforce Development for Teachers and Scientists, Office of Science, Department of Energy.

DATA SECURITY

Committee on Small Business: Subcommittee on Finance and Tax held a hearing on Data Security: Small Business Perspectives. Testimony was heard from public witnesses.

NTSB AVIATION SAFETY IMPROVEMENTS

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the National Transportation Safety Board's Most Wanted Aviation Safety Improvements. Testimony was heard from Mark V. Rosenker, Chairman, National Transportation Safety Board; Margaret Gilligan, Associate Administrator, Aviation Safety, FAA, Department of Transportation; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JUNE 7, 2007

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the nomination of Lieutenant General Douglas E. Lute, USA, to be Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, 9:30 a.m., SH–216.

Committee on Commerce, Science, and Transportation: Subcommittee on Space, Aeronautics, and Related Agencies, to hold joint hearings with the House Science and Technology Committee's Subcommittee on Investigations and Oversight to examine the investigation of the National Aeronautics and Space Administration Inspector General, 2 p.m., SR–253.

Committee on Energy and Natural Resources: to hold hearings to examine alternative energy-related uses on the outer continental shelf, focusing on opportunities, issues, and implementation of Section 388 of the Energy Policy Act of 2005 (Public Law 109–58), 9:30 a.m., SD–366.

Committee on Environment and Public Works: to hold hearings to examine the views of religious organizations regarding global warming, 10 a.m., SD–406.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine the acquisition organization of the Department of Homeland Security, 2:30 p.m., SD–342.

Committee on the Judiciary: business meeting to consider S. 720, to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, H.R. 692, to amend title 4, United States Code, to authorize the Governor of a State, territory, or possession of the United States to order that the National flag be flown at half-staff in that State, territory, or possession in the event of the death of a member of the Armed Forces from that State, territory, or possession who dies while serving on active duty, S. 535, to establish an Unsolved Crimes Section in the Civil Rights Division of the Department of Justice, and an Unsolved Civil Rights Crime Investigative Office in the Civil Rights Unit of the Federal Bureau of Investigation, S. 456, to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to expand and improve gang prevention programs, S. Res. 171, 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, S. 185, to restore habeas corpus for those detained by the United States, S. Res. 82, designating August 16, 2007 as "National Airborne Day", S. Res. 173, designating August 11, 2007, as "National Marina Day", the nominations of Leslie Southwick, of Mississippi, to be United States Circuit Judge for the Fifth Circuit, and Robert James Jonker, to be United States District Judge for the Western District of Michigan, and possible authorization of subpoenas in connection with investigation into the replacement of U.S. attorneys, 10 a.m., SD–226.

Full Committee, to hold hearings to examine S. 453, to prohibit deceptive practices in Federal elections, 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Agriculture, Subcommittee on General Farm Commodities and Risk Management, hearing to review the integrity and efficacy of the Federal Crop Insurance Program, 10 a.m., 1300 Longworth.

Subcommittee on Horticulture and Organic Agriculture, to consider H.R. 2419, Farm Bill Extension Act of 2007, 1 p.m., 1300 Longworth.

Committee on Appropriations, to consider the Interior, Environment, and Related Agencies appropriations for Fiscal Year 2008, 10 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, Education, and Related Agencies, to mark up appropriations for fiscal year 2008, 2 p.m., 2358 Rayburn.

Committee on Education and Labor, hearing on Protecting U.S. and Guest Workers: the Recruitment and Employment of Temporary Foreign Labor, 10:30 a.m., 2175 Rayburn.

Subcommittee on Early Childhood, Elementary and Secondary Education, hearing on Reauthorization of the Elementary and Secondary Act: Current and Prospective Flexibility Under No Child Left Behind, 2:30 p.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled ''Legislative Hearing on Discussion Draft Concerning Alternative Fuels, Infrastructure, and Vehicles,'' 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing on H.R. 1328, Indian Health Care Improvement Act Amendments of 2007, 11 a.m., 2322 Rayburn.

Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing entitled ''Improving Credit Card Consumer Protection: Recent Industry and Regulatory Initiatives,'' 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Africa and Global Health, hearing on Nigeria at a Crossroads: Elections, Legitimacy and a Way Forward, 10:30 a.m., 2172 Rayburn.

Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism, hearing entitled ''Project 28: The Future of SBInet,'' 2 p.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, oversight hearing on the Constitutional Limitations on Domestic Surveillance, 2 p.m., 2141 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing on H.R. 2286, To amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; followed by a markup of H.R. 660, Court Security Improvement Act of 2007, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, to continue markup of H.R. 2337, Energy Policy Reform and Revitalization Act of 2007, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on H.R. 2016, National Landscape Conservation System Act, 1 p.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing on D.C. Autonomy, 2 p.m., 2247 Rayburn.

Subcommittee on Information Policy, Census, and National Archives and the Subcommittee on Government Management, Organization, and Procurement, joint hearing on Federal IT Security: The Future for FISMA, 2 p.m., 2154 Rayburn.

Subcommittee on National Security and Foreign Affairs, hearing on Darfur and the Olympics: A Call for International Action, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Energy and Environment, hearing on NPOESS, Weather Satellite Program, 1 p.m., 2318 Rayburn.

Committee on Small Business, hearing on Family Farmer and Rural Small Business Priorities for 2007 Farm Bill, 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Congestion and Mobility, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Economic Opportunity, hearing on Specially Adaptive Housing, 2 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Social Security, hearing on Employment Eligibility Verification Systems, 10 a.m., B–318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Intelligence Community Management, executive, briefing on Security Clearance Process, 11 a.m., H–405 Capitol.

Joint Meetings

Joint Hearing: Senate Committee on Commerce, Science, and Transportation, Subcommittee on Space, Aeronautics, and Related Agencies, to hold joint hearings with the House Science and Technology Committee's Subcommittee on Investigations and Oversight to examine the investigation of the National Aeronautics and Space Administration Inspector General, 2 p.m., SR–253.

Next Meeting of the SENATE

10 a.m., Thursday, June 7

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1348, Comprehensive Immigration Reform, and after a period of debate, vote on or in relation to Whitehouse (for Coburn/DeMint) Modified Amendment No. 1311, to be followed by a vote on the motion to invoke cloture on Reid (for Kennedy/Specter) Amendment No. 1150.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, Thursday, June 7

House Chamber

Program for Thursday: Consideration of H.R. 65—Lumbee Recognition Act (Subject to a Rule) and S. 5—Stem Cell Research Enhancement Act of 2007 (Subject to a Rule).

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