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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. WELCH of Vermont).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

HOUSE OF REPRESENTATIVES,
Washington, DC, July 26, 2007.

I hereby appoint the Honorable PETER WELCH to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker, House of Representatives.

PRAYER

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

Lord God, Your law and Your prophets lead Your people to You. To follow them and discover enlightened truth only about the present age is to end up in a blind alley.

May all lawmakers this day know Your presence and seek Your guidance, that they may lead to true justice and lasting peace. Otherwise, Your people are left to flounder.

Without You we are left with nothing and accomplish only a mayhem of action without focus or direction.

You are the way, the truth, and life, now and forever. 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.

Mr. SESSIONS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

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

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

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. BARRETT) come forward and lead the House in the Pledge of Allegiance.

Mr. BARRETT of South Carolina 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 has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 190. Concurrent resolution authorizing printing of the brochure entitled ''How Our Laws Are Made'', the document-sized, annotated version of the United States Constitution, and the pocket version of the United States Constitution.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1642. An act to extend the authorization of programs under the Higher Education Act of 1965, and for other purposes.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

S. 1877. An act to amend title 4, United States Code, to prescribe that members of the Armed Forces and veterans out of uniform may render the military salute during hoisting, lowering, or passing of flag.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 10 1-minute speeches on each side of the aisle.

THE FARM BILL AND REFORMING CROP INSURANCE

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

Mr. COOPER. Mr. Speaker, the one thing that we should all be able to agree on in this House regarding the upcoming farm bill is the need to reform crop insurance. The folks back home are demanding that we cut Federal spending, and this is not only a great way to do it, it is probably the best way to do it.

There are only 16 crop insurance companies in America, but, sadly, each one is addicted to corporate welfare from Washington. Reforming these companies can save at least $2 billion a year without hurting a single farmer. Let's stop these middlemen from taking 40 cents out of every dollar the taxpayers offer to help the American farmer.

The Cooper-Waxman-McGovern amendment unites this House, from conservative Blue Dogs to progressive Members. It is a bipartisan approach. We simply adopt the reform proposals of the Bush administration. That is all we do. These are not radical ideas; these are USDA approved. But these ideas will save over $2 billion a year. It won't kill the industry; it will just trim back the massive subsidy flows.

Farm bill supporters should also endorse these because they reduce the

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need for new revenue, and the Agriculture Committee itself recognizes the need for reform. They just want to do it in the next farm bill.

THE GLOBAL WAR ON TERROR

(Mr. DAVID DAVIS of Tennessee asked and was given permission to address the House for 1 minute.)

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, being from Tennessee, the Volunteer State, I volunteered to visit the men and women in uniform in Iraq this past weekend. I wasn't disappointed. Our troops are well trained, well motivated, and successful.

During my visit to Iraq, I visited Ramadi, which until just a few months ago was a killing field overrun by al Qaeda. For the past 4 years, the people of Ramadi were caught in a decision-making battle of which group, us or the extremists, offered them the best chance for a normal and free existence.

The insurgent extremists chose to win the local people over with the use of force, force against our American troops and against any local who did not support their radical agenda. Our troops, on the other hand, have reached out with friendship and support.

The local people, seeing the difference, have chosen to have their lives return to normal and live in freedom. Ramadi has gone from a city of death and destruction to one of rebuilding and hope. I was able to see it firsthand.

The cost to the American family is just too great to allow any other outcome than success in the global war on terror. We must win this war to protect our American way of life, now and into the future.

A QUOTE FROM DWIGHT D. EISENHOWER

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

Mr. MCDERMOTT. Mr. Speaker, a man from Kansas said, ''Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed. This world in arms is not spending money alone. It is spending the sweat of its laborers, the genius of its scientists, and the hopes of its children. This is not a way of life at all in any true sense. Under the clouds of war, it is humanity hanging on a cross of iron.'' Dwight David Eisenhower, April 16, 1953.

I ask that the rest of my time be in silence for those who have died in Iraq, Americans and Iraqis.

AL QAEDA IN IRAQ

(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, some Members of Congress are proposing legislation that would attempt to develop a new military strategy for our troops in Iraq. This meddling by politicians ties the hands of our capable military. We should trust in the leadership of GEN David Petraeus and not second-guess his efforts to protect American families.

Senator JOE LIEBERMAN, former Democratic Vice Presidential candidate, recently said, ''The fanatics . . . who exhort the tens of thousands to shout 'Death to America' . . . don't distinguish between Republicans and Democrats . . . and we should have the common sense, let alone the sense of responsibility to our country, to come together to defend our Nation against those who want to destroy us.''

Failing to secure Iraq will provide a fertile ground for terrorist safe havens, threatening America and our allies. Osama bin Laden and Zawahiri have both stated that Iraq is a central front in the global war on terror. We must stop the terrorists overseas and not face them again in the streets of America.

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

AL QAEDA

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

Mr. BARRETT of South Carolina. Mr. Speaker, last week the National Intelligence Estimate report stated that al Qaeda is the most serious threat to the U.S. homeland.

On Tuesday President Bush flew to my home State of South Carolina to speak to troops in Charleston. In his speech he reminded the Nation of the threat that al Qaeda poses to our Nation and the stability of Iraq. The threat is real.

I would like to share with you a Fourth of July blog entry from Lieutenant Colonel Clarence Bowser, who is currently serving with the South Carolina National Guard in Kandahar, Afghanistan:

''I am so proud of my service here and to this Nation. I don't know the politics; I'll leave that to the politicians. But it is my prayer for their leadership and that we as a Nation do the right thing for this country and Iraq.''

Mr. Speaker, my hope and my prayer is that we as politicians have the courage to do the same: win this fight.

THE FARM BILL: URGING SUPPORT FOR THE KIND-FLAKE AMENDMENT

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

Mr. BLUMENAUER. Mr. Speaker, there is a bipartisan instinct in Congress that has been evident for years. We all want to reform our farm policies in the ''next'' farm bill. That is why the bill that is coming forward from the Agriculture Committee couldn't find any way to reform the crop insurance program. Luckily, it looks as though the Rules Committee will make in order a rule that will force that upon the committee, saving up to 40 cents on the dollar.

There are no meaningful limitations on extraordinarily wealthy farmers. They talk about reform, but the limitation raises only $46 million a year from 3,175 farmers. And if the farmer can't get their adjusted gross income under $1 million, they ought to get a new CPA.

I strongly urge my colleagues to just read some of the news accounts like this morning's Washington Post that talks about what is in this bill. And if you do, I think you will join with us in supporting the Kind-Flake amendment.

URGING SUPPORT FOR THE STEARNS-BLACKBURN AMENDMENT

(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 address the concerns of many of our small businesses in the Seventh District of Tennessee. The ongoing debate over illegal immigration has brought many issues to light. While this issue is trudging its way through Congress, small businesses are stuck trying to figure out how to confront the problems of illegal immigration that are created at the local level.

For instance, these businesses should have the right to refuse to hire or fire a person who cannot speak English. An employer who signs the paycheck and pays payroll taxes, and their customers, should be able to communicate with an employee. But under current law that small businessman can be sued by the Federal Government for refusing to hire or in some cases firing a person who cannot communicate in English. As ridiculous as this sounds, it is true.

That is why today I will offer a commonsense amendment to the Commerce-Justice-State approps bill that will close the ridiculous loophole and offer some protection to the businesses that drive our economy and employ our citizens.

I urge all of my colleagues to join this effort to protect our mom-and-pop businesses, not because it is a hard line against illegal immigration, but because it is the right thing to do.

□ 1015

LET'S NOT ALLOW GENOCIDE TO CONTINUE

(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, the words ''never again'' ring hollow today. It was exactly 3 years ago that we declared that what was happening in Darfur was genocide, and yet we have basically stood on the sidelines for these last 3 years. Lots of words, but no meaningful action.

What we said was that we would deny the Government of Sudan access to oil revenues and extend American business sanctions on Sudan. But we haven't done either in any meaningful way. Hundreds of thousands of people, innocent people, killed; millions made homeless while we have sat on our hands.

Oil accounts for 70 percent of Sudan's total exports. And do you know that 70 percent of Sudan's oil profits fund their military? And China buys much of their oil.

In fact, China is Sudan's largest trading partner. We could have enormous leverage over China if we chose to use it, but we choose not to. So when the Chinese Premier goes over to Sudan, instead of telling him this is wrong, he offers to build more palaces for President Bashir. Let's get serious. Let's not allow genocide to continue in the 21st century.

NEW TEXAS SHERIFF IN TOWN

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

Mr. POE. Mr. Speaker, in Bastrop County, Texas, there is a new sheriff in town. Over a dozen candidates were interviewed, and at the end, the last man standing was a woman. Becoming the third female sheriff in Texas, Rosanna Abreo became the first female sheriff in county history.

Rosanna is anything but an ordinary candidate. She has 17 years of experience in Texas law enforcement. Throughout her law enforcement career, she served at the Lubbock Police Department in west Texas and the Texas Department of Public Safety, where she served as a State trooper, a special crimes investigator, and a member of the DPS SWAT team, rising to the rank of lieutenant.

This Texas lawwoman is educationally accomplished as well, achieving a bachelor's degree, a master's degree and now a law degree, having passed the bar exam last May. Criminals and outlaws should be aware of this new Texas sheriff that is the enforcer of the law in her county.

Today, I congratulate Sheriff Abreo on her sound dedication to public safety, making her a role model for all peace officers in our State. Texas is proud of its new Lone Star sheriff.

And that's just the way it is.

WE NEED TO WIN THE WAR ON DRUGS

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

Mr. COHEN. Mr. Speaker, last night, this House had a proposal before it to prohibit the DEA from enforcing Federal laws on medical marijuana patients in the 12 States where the public has legalized medical marijuana. Unfortunately, it failed.

I voted for the proposal. Why did I vote for the proposal? Yes, I'm compassionate about people who have multiple sclerosis and AIDS and cancer who can benefit, Parkinson's disease and glaucoma who can benefit from medical marijuana. Yes, I voted for it because I believe in States' rights and I believe in Justice Brandeis and the laboratories of democracy and to see how things work in other States and be able to adjust and see how they should work in other States, but also because I believe the DEA shouldn't be busting medical marijuana houses and stores in Los Angeles. They should be working in my community to eliminate and eradicate methamphetamine, crack and other drugs that are ravaging my community and causing a crime problem in Memphis, Tennessee, and throughout this country.

The DEA has not been effective at controlling the war on drugs. We need to win it. I would like that to happen.

IN SUPPORT OF H.R. 3026, THE MILITARY SPOUSES MEMORIAL ACT

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

Mrs. DRAKE. Mr. Speaker, I come today to honor those who have sacrificed so much in the defense of the freedoms we Americans often take for granted.

We are all appreciative of the heroic sacrifices made by our men and women in uniform. However, there was little recognition given to the military spouses who provide the backbone of our armed services.

Recently, I introduced H.R. 3026, the Military Spouses Memorial Act of 2007, which provides the authority to establish in our Nation's Capitol a memorial commemorating the selfless sacrifice of military spouses from 1776 to the present day. This memorial will honor the husbands and wives that tend to the home front and lend our servicemembers the support they need as they serve in the defense of freedom.

I encourage all my colleagues to lend their support to H.R. 3026 and ensure that the sacrifices of our military spouses are recognized.

WE MUST SAVE DARFUR

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

Ms. LEE. Mr. Speaker, 3 years ago this week, Congress formally declared that genocide was taking place in Darfur, and Congressman DON PAYNE is owed a debt of gratitude for leading this effort.

While much has been done since then to push pressure on Khartoum, the genocide still rages. Our young people and the faith community have tirelessly reminded us of this.

I was in Darfur earlier this year for the third time, and let me tell you, it is getting worse. We passed a number of bills in Congress imposing sanctions urging our allies like China and the League of Arab States to get involved, but we must do more.

Today, with the help of our good friend and great leader, Chairman BARNEY FRANK, the Financial Services Committee Chair, we will take another step toward marking up my bill, H.R. 180, the Darfur Accountability and Divestment Act, which authorizes States to divest from Sudan and bans new Federal contracts with companies doing business with the genocidal regime in Khartoum. We must keep the pressure on President Bashir and insist on unfettered access for the United Nations and African Union, and we must save Darfur.

PRESIDENT BUSH, PARDON COMPEAN AND RAMOS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of border agents Ramos and Compean, and I believe we should know why U.S. Attorney Johnny Sutton has thumbed his nose at a House panel and refuses to testify on why he protected a Mexican drug smuggler over our own border agents.

Johnny Sutton gave a confirmed drug runner free access to cross our border on condition he would not smuggle drugs again, but he has. Johnny Sutton found out the witness was running drugs, but still let him testify as an innocent victim. By allowing the drug runner to testify, Johnny Sutton let a known liar testify against our own border agents. Johnny Sutton must testify under oath why he did this.

In view of this new evidence, President Bush should pardon Compean and Ramos today. They did not get a fair trial, and the punishment did not fit the crime. This case is a travesty to our justice system. Fix it, Mr. President.

COMMEMORATING THIRD ANNIVERSARY OF CONGRESSIONAL DECLARATION OF GENOCIDE IN DARFUR

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

Mr. CAPUANO. Mr. Speaker, I rise today to commemorate the third anniversary of the congressional declaration of genocide in Darfur. It's not a happy occasion; it's a sad one. And I hope we don't have to do this again next year or any time after that.

I also want to thank the American people, the American taxpayers and the American activists in this country who have kept the pressure on us, on the administration, on the United Nations and on the world to try to stop this genocide.

I have been to Darfur, and I will tell you that as an American taxpayer you can't be more proud than when you look out, and unfortunately these poor people have been chased out of their homes, and families killed and massacred, but at least when you look out, all of their shelters are covered with U.S. flags. Now, it's because we have to send all the aid to feed and take care of them. But those shelters are made out of the bags that carry the wheat and the rice that feeds them.

The American people are doing our job. The administration is doing something, but not enough. The U.N. is doing way too little. And I hope that next year we won't have to come back and do this.

FARM BILL DOES DISSERVICE TO AMERICANS

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

Mr. PENCE. Mr. Speaker, as a Member of Congress from the heartland, I have supported the farm bill in the past. Regrettably, the 2007 farm bill that we will consider this week is a deeply flawed piece of legislation. It combines traditional agricultural programs with the misplaced priorities of the Democratic Congress. Tax increases, budget gimmicks, workplace restrictions, and a public union provision that offends States' rights, and I cannot support it.

This farm bill is a disservice to American farmers and an attack on hurting families in the State of Indiana.

At the behest of one of the Nation's largest public employee unions, the Democrat Congress added language to this bill that will prohibit States from working with private companies to improve the administration of welfare services. Since Indiana is leading the Nation in improving welfare services through these partnerships, this bill is bad for Indiana, bad for hurting families, and bad for Hoosier taxpayers.

In the interest of federalism, it's imperative that Congress give State governments the freedom to innovate in the delivery of food stamps and other welfare programs to benefit recipients and improve services.

I will vote against this farm bill because it raises taxes, busts the budget, and does a great disservice to our most hurting Americans.

LET THIS BE LAST TIME WE MARK ANNIVERSARY OF GENOCIDE IN DARFUR

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

Ms. SCHAKOWSKY. Mr. Speaker, 3 years ago, the Congress named the humanitarian crisis in Darfur as genocide. Naming is really important, because once we've acknowledged the hundreds of thousands of innocent lives that have been lost there, we have a responsibility to act. And yet the disastrous crisis continues on today.

I visited Darfur. I've seen the situation on the ground. And now the high-tech GPS satellites and mass media allow everyone to bear witness to the tragedies in Darfur; the burnt holes where villages used to be, the mass migrations of internally displaced, starving children, victims of rape.

I want to thank the student groups, the faith organizations and the Americans around the country who have worked to raise this issue's profile and to keep Darfur on the agenda.

Last month, the Sudanese Government allowed a combined U.N.-African Union peacekeeping force. The Democratic majority approved $949 million in humanitarian aid, but we have to go further. Let this be the last time we mark the anniversary of genocide.

RECOGNIZING JIM NUSSLE'S NOMINATION AS DIRECTOR OF OMB

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

Mr. SESSIONS. Mr. Speaker, I am pleased that President Bush has selected a man of great integrity and one of our former colleagues who served in this Congress to lead the Office of Management and Budget, Jim Nussle. His chairmanship of the House Budget Committee gave us an opportunity to witness the expertise and responsible use of taxpayer dollars that he will bring to the OMB.

During his tenure in this body, Chairman Nussle's work made a positive impact on countless Americans. Without his hard work and leadership, the Family Opportunity Act, which provides badly needed medical care to children with disabilities, would never have become law.

To recognize Chairman Nussle's incredible talents, one should look no further than the very kind comments made by Chairman Nussle's former colleague across the aisle, my friend, Chairman JOHN SPRATT. He said, ''Jim was a fair and honorable chairman. In selecting Jim Nussle to succeed Rob Portman, the President is replacing one able and knowledgeable man with another.''

I congratulate President Bush on this astute choice. I wish Chairman Nussle the very best during his confirmation hearing today at the Senate Budget Committee.

ANNIVERSARY OF DECLARATION OF GENOCIDE IN DARFUR

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

Mr. DOYLE. Mr. Speaker, 3 years ago, Congress declared the atrocities in Darfur to be acts of genocide. Since acknowledging this genocide, we have implemented unilateral sanctions against the Sudanese Government. We've authorized funds for peacekeeping and humanitarian assistance in the region. We've called for concerted international action to end the abominations in Darfur, yet the genocide continuous.

There have been 400,000 people killed, 2.5 million have been forced out of their homes, and 1 million continue to live under the constant threat of bombing, rapes, murder and torture by government troops and the janjaweed militias.

International diplomacy has failed to force Sudanese President al-Bashir to stop pursuing his genocidal policies.

We cannot afford to fail anymore. Every possible means must be employed to pressure the Sudanese Government to allow the rapid deployment of an international peacekeeping force large enough to protect the civilian population in Darfur.

EXPRESSING OUTRAGE AT CONTINUED VIOLENCE AND GENOCIDE IN DARFUR

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

Mrs. LOWEY. Mr. Speaker, I would like to put a statement in the RECORD expressing outrage at the continued violence and genocide in Darfur.

Mr. Speaker, I rise today burdened by many emotions—sadness, disappointment, frustration and most of all, anger. Anger because it has been three years since Congress declared the atrocities occurring in Darfur to be genocide—and yet the violence continues. Anger because 2.5 million people are still displaced—living in camps, unable to return to their homes. Anger because humanitarian workers are even more endangered today—unable to deliver vital services to large swathes of the population. And anger because not a single individual has been brought to justice for these crimes.

The crisis in Darfur requires sustained diplomatic action—including international pressure on those nations that support the Sudanese regime and allow President Bashir to equivocate on his promises.

It is unacceptable that 3 years have passed and there is still insufficient protection for civilians on the ground.

The AU/UN force must be deployed immediately. There is no time to waste. The people of Darfur have waited long enough.

□ 1030

METHAMPHETAMINE KINGPIN ELIMINATION ACT OF 2007

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

Mr. SMITH of Nebraska. Mr. Speaker, I rise today as we consider the Commerce, Justice, Science, and Related

Agencies Appropriations Act. According to the DEA, 33.3 kilograms of methamphetamine were seized in my home State of Nebraska in 2006. For this reason, I would like to commend the leadership and Appropriations Committee for including $85 million in funding for grant projects to address the manufacture, sale and use of methamphetamine. However, we must send a stronger message to those who are smuggling and distributing the drug, which is why I have introduced the Methamphetamine Kingpin Elimination Act of 2007.

The number of methamphetamine labs in the U.S. has declined since Congress enacted the Combat Methamphetamine Epidemic Act last year to restrict the sale of pseudoephedrine, the key ingredient in methamphetamine. Unfortunately, a reverse trend has occurred south of our border.

Mexico is the largest foreign supplier of methamphetamine destined for the U.S. It is estimated that as much as 80 percent of the methamphetamine on U.S. streets comes from Mexico. Unlike the small U.S. kitchen labs, Mexican drug cartels are creating superlabs, which produce huge quantities of cheap methamphetamine and then smuggle it north to U.S. users.

Mr. Speaker, it is time we stop this flood of methamphetamine coming across our border.

The "Meth Kingpin Elimination Act of 2007," increases penalties for meth kingpins. The bill also authorizes $20 million for multi-jurisdictional methamphetamine task forces.

Meth devastates not only those who abuse the drug, but their families and their communities as well. The drug has a phenomenal rate of addiction, with some experts saying users often get hooked after just one use. Recent studies have demonstrated that methamphetamine causes more damage to the brain than heroin, alcohol, or cocaine.

Mr. Speaker, I ask you to join me in keeping this destructive drug off America's streets and ensuring that meth kingpins and traffickers receive harsher penalties.

Mr. Speaker, we must work together to address this severe problem.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3093.

□ 1032

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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. SNYDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 25, 2007, the amendment by the gentleman from New York (Mr. HINCHEY) had been disposed of and the bill had been read through page 85, line 24.

AMENDMENT NO. 1 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 1 offered by Mr. STEARNS:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act to the Equal Employment Opportunity Commission may be used for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English.

Mr. STEARNS. Mr. Chairman, as mentioned, the EEOC, which is the U.S. Equal Employment Opportunity Commission, has accused the Salvation Army of allegedly discriminating against two of their employees in a Boston area thrift store for requiring them to speak English on the job.

Mr. Chairman, the amendment would prevent the EEOC from using any appropriated funds to initiate a civil action or file a motion in any courts on the grounds that the organization, in this case the Salvation Army, requires an employee to speak English while engaged in work.

The question I have is, how do you discriminate against a person who speaks English on the job? This amendment was prompted by this lawsuit filed in April by the EEOC against the Salvation Army, which has helped thousands of people in countries all over the world. Can't you hire people today who speak English? The two employees were given 1 year to learn English in order to speak the language you and I are speaking in the House today and the language spoken by our coworkers; however, these folks failed to try to learn even some basic English and were fired.

Even though the Salvation Army clearly posted the rule and gave the two employees a year to learn English, the EEOC lawyers filed a lawsuit seeking hundreds of thousands of dollars in monetary damages to compensate the employees for ''the emotional pain, suffering and inconvenience'' they suffered by being asked to speak English to the best of their ability while on the job.

In 2003, a Federal judge in Boston upheld the Salvation Army's policy requiring workers to speak English while on the job. However, the EEOC did not like this ruling, so they are continuing to harass the Salvation Army.

Now, the Salvation Army, as we all know, is a Christian evangelical organization whose sole mission is to help the downtrodden, the blind, the sick and anyone else in need. Their personnel standing on cold street corners during Christmastime is something to behold, ringing a bell on behalf of the poor. They collect and sell donated clothes and household items in their thrift stores to raise money for the poor, operate soup kitchens, and hire people that no one else will.

Since 1865, this organization has lived by Christ's teaching that as we do unto the least of our people, we do unto the Lord. Now this organization is in trouble for insisting its employees learn to speak English in order to better serve these lofty goals. Remember, the Salvation Army was trying to help their employees by encouraging them to simply learn the English language.

EEOC has crossed the line in its overzealous pursuit of companies that require English in the workplace. Only Congress can bring this organization back to its intended mission. If we don't, the continued proliferation of English-related lawsuits will cause employers facing close hiring decisions to hire defensively, to the detriment of new immigrants with marginal English proficiency. While the children of immigrants typically learn English in our school system, adult immigrants are most likely to learn or improve language skills for work-related reasons often through programs that are simply hosted by the employers themselves.

This arrangement is ordinarily a win-win situation. The immigrant is encouraged to gain a full knowledge skill that improves his work efforts and civic engagement, and the employer benefits from having employees that can communicate with one another. So the EEOC's policy takes a mutually beneficial situation and injects the constant fear of litigation on employers. Most importantly, since the EEOC's funds are fungible, every dollar it uses to pursue these cases is a dollar not being spent on pursuing the kind of discrimination that the EEOC was originally created to combat.

These are our tax dollars, my colleagues, yours and mine, paying the salaries of the EEOC lawyers, who file endless lawsuits, while the Salvation Army must use its own funds, funds that would be better used helping the poor, instead of hiring more attorneys to fight these kinds of cases in court. The EEOC should instead focus its limited resources on the current backlog of 54,265 complaints, instead of wasting time and taxpayer money on policies that serve to achieve unity in our country.

I encourage my colleagues to support this amendment and help protect the charities like the Salvation Army.

Mr. OBEY. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I think everybody ought to speak English in this country, and I think we ought to have

policies that encourage it. What I don't believe is I don't believe that the Congress of the United States has any business whatsoever predeciding a court case, and when the Congress ahead of time tells the EEOC that they cannot even bring a suit, that means that Congress is substituting political judgment for legal judgment on an issue that ought to be decided in a court of law.

Congress has the right to pass legislation saying whatever it wants about immigration and about who is going to get Federal aid, things like that. But it is dead wrong, it is wrong morally, it is wrong constitutionally, for the Congress to prejudge what the outcome of a court case is going to be. And if they deny funds to the Equal Employment Opportunity Agency in this government, the agency that is supposed to enforce civil rights laws, if they deny funds to that agency on a hit-or-miss basis based on what can get a majority on this House floor, God help us all.

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

Mrs. BLACKBURN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Tennessee is recognized for 5 minutes.

Mrs. BLACKBURN. Mr. Chairman, I do rise in support of the Stearns-Blackburn amendment to protest the actions of a rogue government agency that really is out of control, and I thank Mr. STEARNS for his good work and his good efforts on this with us.

The EEOC, as we have heard, it is taxpayer funded, and it is tasked with eradicating discrimination in the workplace. Now, unfortunately, the organization's actions are speaking louder than their words, and certainly they are not in step with the mission that they are instructed to meet. What we see is an agency that is waging war against private employers who have English-speaking policies and English-only language policies in their workplace and with their workforce.

Now, as my colleague from Florida has said, the situation we have discussed is in 2004, we had two employees from a Massachusetts Salvation Army Thrift Store. They were instructed to learn English within 1 year to comply with that organization's English-only language policy on the job. The employees refused to comply or even to make a good-faith effort. I think that everyone would like to see them make a good-faith effort to learn the language. And they were summarily dismissed in December of 2005. So they had that full year.

Interestingly enough, the two employees were able to navigate their way through the bureaucratic system and get the EEOC to file a discrimination lawsuit against the Salvation Army in April 2007, despite their limited command of the English language. The turn of events would be laughable if it were not true, and if the consequences were not as grave as they are.

Yet, in 2006 alone, roughly 200 charges were filed alleging discrimination due to English-language-only policies in different workplaces. This explosion of claims against workplace English is a 612 percent increase since 1996.

Mr. Chairman, I think that is one of the things that is of concern to us; 612 percent. That is the increase in these claims against American small businesses, against the businesses that are employing our citizens. We have gone from 32 cases in 1996 to 228 in 2002, according to the EEOC alone, and what we see is those misplaced priorities of the EEOC.

As my colleague previously mentioned, the U.S. Equal Employment Opportunity Commission has a backlog of 45,265 cases right now. They expect that that backlog will grow to 67,108 complaints in fiscal year 2008.

Mr. Chairman, it does not take an organizational genius to figure this out. What we see is people are not getting their workload done. What we see is the EEOC is putting their energy on something that they don't need to be putting it on, and they have those misplaced priorities, so therefore the items that they are supposed to be addressing in order to meet their mission are languishing in their in-box. They are never getting around to addressing those files. So those are continuing to pile up.

What we see is that they should be taking their resources; they have plenty of employees, they have plenty of funds. This is not an issue of them having more money or more resources. This is an issue of them putting their work and making their priorities where they need to be, of addressing these problems, kind of getting their nose to the grindstone, if you will, and getting in behind those cases and getting them done not over here suing U.S. small businesses that are employing our citizens, not over here suing the mom-and-pops who have the right, because they are signing the paycheck, they are paying the payroll taxes, they establish their workplace policies.

□ 1045

And they have the right to say we would like you to learn English. We should be incentivizing them to insist on having those employees learn English so that they better communicate with their employer and so they know how to communicate and they are learning by that interaction with those customers.

We know so well, those of us who have so many small businesses in our districts, many of these small businesses see these people as true friends.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the policy that this amendment addresses is obviously authorizing the policy that the EEOC has followed in this area through Democratic and Republican administrations. They have had a consistent position on the employer English-only policies throughout both Democratic and Republican administrations. This amendment would undermine that long standing policy. If the gentlelady and the gentleman want to change that, they ought to take it to the authorizing committee where they can have hearings and have a full-blown discussion, rather than trying to change this policy that has been in place for a long period of time, through both Democratic and Republican administrations. The amendment should be opposed.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I rise in support of the Stearns amendment. In the interest of transparency, for a dozen years I was on the board of the Morristown Salvation Army in New Jersey, and anybody who has been associated with this organization knows that they work in the trenches for the poorest of the poor. They do a remarkable job, and they work with those that are English speakers as well as those who would not speak English.

It seems to me that the EEOC has been somewhat shopping for another venue here, while the Salvation Army, I think, is truly doing the Lord's work. And for them to expend, as apparently they have, tens of thousands of dollars in some sort of a lawsuit as a result of this EEOC litigation, I think quite honestly is an absolute travesty.

I am pleased to yield to the gentleman from Florida (Mr. STEARNS), the sponsor of the amendment, and I commend him and others for supporting this amendment.

Mr. STEARNS. I thank the distinguished chairman, and let me answer some of the criticism from that side of the aisle.

The gentleman from West Virginia (Mr. MOLLOHAN) talked about that this is not a recent problem, that all administrations before with regard to the EEOC have been following this pattern, and that is not true. The gentlelady from Tennessee pointed out there has been a 612 percent increase since 1996. In fact, there has been a large increase just recently. So this is not something that has been going on for the past 40 years; it is a more recent phenomenon.

So we here in Congress should realize that we have every right to prejudge. We have three equal branches of government. We have the executive, judicial and the legislative or Congress. We have the right to say to the EEOC, which is a government agency, the priorities you are establishing are wrong. I mean, as I pointed out earlier, this particular agency has a 54,000-case backlog, and it looks like it is going to

go to 64,000. It is going to be a 10,000-case increase.

Should they be spending all of their time trying to intimidate employers? Employers simply want to hire employees that speak English. Are the employees going to be so scared that when they hire this employee they are going to be sued by the EEOC because they are saying to the employee, ''We think it will be helpful for you to speak English to our customers''?

But as the Salvation Army did, they said, We will send you to a class for 1 year and you can learn English. So we will hire you, let you be trained, and hopefully after a year you will be conversant in English. These people didn't follow through and didn't even go to the classes. So what did the Salvation Army do, they simply said, We will have to fire you.

They talked to them, they counseled them, and then they said, We will have to let you go because you are not speaking English proficiently enough so that our customers can understand you, and we are an organization that simply has a mission to help and serve people, and we can't communicate with these people because you cannot speak English. So please go to this class that we are going to pay for and help you with this training. These people would not go, and so they were fired.

So now the EEOC lawyers are saying to its agency this case is of the highest priority. We are going to forget these 54,000 cases backlogged in America, and we are going to go after the Salvation Army.

''God help us'' is the words that Mr. OBEY used. I say God help us if employers in this country cannot hire employees who speak English. We have every right to judge. This is not morally wrong, as Mr. OBEY said, or constitutionally wrong. This is simply Congress saying set your priorities EEOC. Let the employers hire people who speak English. And we support the concept of what the EEOC is trying to do, to enact civil legislation against people who are discriminated against in the workplace. We understand that. We accept that. But this is a case of priorities. This is a case where Congress has every right as an equal branch to say this is wrong. I commend the chairman from New Jersey for his support.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the Lobster Institute at the University of Maine in Orono, Maine.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $200,000.

Mr. FLAKE. Mr. Chairman, this amendment would strike funding for the Lobster Institute at the University of Maine. We will be debating later today subsidies for corn, cotton, rice and sugar. This is about subsidizing lobsters. I frankly think we subsidize corn, cotton and sugar far too much, but lobster subsidies seem to be out of line as well.

I think taxpayers are already feeling the pinch, if you will, with high gas prices and huge deficits, and all of the other things that they are asked to pay for. But providing hard-earned taxpayer dollars to the lobster industry should make Members of this body a little red in the face.

According to the bill, the New England lobster industry will be receiving $200,000 in Federal taxpayer dollars. The certification letter does not offer much in explanation of what it would be used for except to provide resources for the New England lobster industry. What kind of resources, I think we are justified in asking. This is a private industry that makes millions and millions of dollars annually. What possible support should the Federal taxpayer be offering to this particular industry?

Again, this is one area where Congress, through earmarking, is circumventing the regular process that we typically go through. It is a process that I don't like very much. I don't think we ought to be providing funding to the Federal agencies to give subsidies this way either. But there are programs at the Federal agencies, programs that are usually open to competitive bidding where people will submit grant proposals. But through earmarking like this, we circumvent that process and we say we know better what we're going to give what amounts to. It seems like a no-bid contract to a particular industry or business or group of industries.

So I would think that this simply isn't the way to go. I would submit that no amount of drawn butter can make this kind of subsidy taste any better. We simply shouldn't be doing this kind of thing. We need to get rid of these kinds of earmarks, again, when we know so very little about what it will go to. We are just told it will provide resources for the New England lobster industry. This is an industry, like some of the others we will be discussing later today, that do quite well on their own. They make millions and millions of dollars. What possible justification can we have for using Federal taxpayer dollars to subsidize or to support an industry like this?

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

Mr. ALLEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Maine is recognized for 5 minutes.

Mr. ALLEN. Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. FLAKE. This amendment would strike funding for the Lobster Institute CORE Initiative for the University of Maine, a program vital to the continuation of the lobster industry.

I will say a few words in a moment about the importance of the lobster industry, not just to Maine, but to New England and to the entire Northeast, but I want to go straight to this particular program.

The Lobster Institute's CORE Initiative provides for conservation, outreach, research and education in order to sustain the lobster. This is one of the most successfully managed fisheries along the Atlantic coast. When you look at this from the point of view of the private sector, this is not a case of a big corporate fishery. The lobster industry is primarily a small fishery with individual lobstermen who cannot possibly afford to do the research on the scale that this institute does. I would say that the institute is funded primarily by contributions from the industry itself, some people who are contributing to the research, and through private donations by the Friends of the Lobster Institute.

But fundamentally, this kind of research done by our land grant universities is absolutely essential. The University of Maine does work on wild blueberries. It does work on potatoes. The industry itself could not possibly sustain industrywide research because those industries, like the lobster industry, are made up primarily of small businessmen and -women.

Frankly, it is exactly this kind of public-private partnership that makes our economy stronger than it ever could be without this support.

Let me give you some examples. The CORE program aims to establish a unified logical progression of research to address lobster health, stock assessment and environmental monitoring issues. For example, in southern New England, we have some very serious disease issues with some lobsters. We have to be able to track those diseases and make sure that we understand what is going on.

The program will also develop infrastructure to support lobster health and habitat research.

□ 1100

The information that is gathered by the institute is communicated to the public in many ways. Outreach education conducted by faculty, students and industry members, as well as conferences, seminars and workshops

throughout the region spreads information developed by the institute. The institute is also home to a lobster library which holds nearly 2,000 journal articles, research reports and informational pamphlets.

Basically, what we're saying is that one of the reasons the lobster industry is one of the most successfully managed fisheries in the Northeast is precisely because of this research. And some Federal contribution, a small contribution, $200,000 is what's at stake here, is the linchpin that holds this organization together.

A few final concluding comments. The private sector, which is supported by this research institute, includes jobs for 8,000 fishermen and countless other jobs for additional businesses such as dealers, distributors, boat builders, marine suppliers and a variety of tourism-related businesses.

Throughout the Nation, the lobster industry has an economic impact of somewhere between $2.4- and $4 billion a year, with 10,000 commercial lobster licenses issued each year. It's ranked, American lobster, I would say Maine lobster, but, you know, who's quarrelling here, American lobster is ranked third on the U.S. seafood export list, proving that it's essential to our economy.

In Maine, we have 5,800 licensed lobstermen, and the catch from Maine lobstermen makes up approximately 70 percent of all U.S. landings.

I would just say in conclusion, this may seem like a small amount of money to a small research institute, but it holds together a private industry of great economic importance not just to Maine, but to the Northeast and to all of our oceans-related industries.

That's why I strenuously object to this amendment. I urge its defeat.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I want to support the gentleman from Maine's program. This funding supports scientific staff who monitor the health of Maine lobster fisheries, a crucial industry in his area and a crucial resource for the whole country.

The funding provides infrastructure to improve science research efforts in this regard. Funding is crucial to understanding the health of the lobster fishery industry, and he stresses that in his remarks.

This amendment is supported by the subcommittee. It's a good earmark, it's a good project, and this Member has concluded that it's essential in his area and to support this very important industry in his area. The subcommittee strongly supports this Member's project in this regard.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment, but certainly know where his heart is because he's been diligent and persistent.

The directed spending included in our committee's report augments and, in some cases, enhances the administration's own earmarks with congressional priorities, which is entirely appropriate. Funding recommendations included in our report were made in full compliance with the applicable rules and procedures of the House. So there's total transparency.

On a bipartisan basis, I've worked with Chairman MOLLOHAN in reviewing all of the requests before the Commerce, Justice and Science Subcommittee, all of the Member requests, and we recommend funding for this and other projects which people will try to take out.

We believe these projects have merit, and what's most appropriate is that Members are willing to come to the floor to defend their projects, and that's necessary because we need to hear from them as to their merit. They know their States, and they know their districts, and that's why we're supporting this process.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $720,000.

Mr. FLAKE. Mr. Chairman, this is a rather large earmark, $720,000. It's for Federal funding for meteorological equipment at Valparaiso University in Valparaiso, Indiana.

Growing up, I was told the best way to tell the weather was to stick your arm out the window of the vehicle as we were going down a farm road. This seems to me to be Congress's way of sticking their arm into taxpayers' back pocket and getting their wallet.

The earmark description in the certification letter submitted said the earmark would fund the equipment as a teaching tool for the university's meteorology department and provide weather information to entities in northwestern Indiana and surrounding areas.

This university is a coed, 4-year, private university located, as I said, in northwestern Indiana. It's ranked by the U.S. News and World Report as one of the top universities in the Midwest. Its endowment is in excess of $143 million.

Again, why do we fund earmarks for institutions that are as flush as this one? Why do we dole out any Federal money to any private institution such as this, with a generous endowment already there?

When we approve earmarks like this, we as an institution are bypassing the competitive grant process that already exists for funding educational and research institutions.

In 1950, the National Science Foundation, an independent Federal agency, was created by legislation with the intent of promoting the progress of science and advancing national health and welfare by supporting research and education in all fields of science and engineering.

In the past, the Federal Government has awarded more than $400 billion in the form of competitive grants; $400 billion has been given out by the NSF over the years. This agency was created with a specific purpose of giving out grants like this.

Over the course of this year, the Division of Atmospheric Sciences, an office within NSF, has awarded more than $2 million to fund research for meteorological experiments. Federal funding exists for the sponsor's earmark. This grant process should be respected.

Again, we are going outside of the process. There's a process that we have established, that we have caused to be established in the Federal agencies to give out money in this regard, and here we're saying, well, we're not going to go through that. Perhaps this university, I don't know, perhaps it applied for a grant and didn't get it. Perhaps it has received other grants, I just don't know, but what I do know is we are giving what amounts to a no-bid contract where one member of the Appropriations Committee is going to say, I'm going to designate or earmark money for this institution and bypass the process that we have set in place. And I just don't think that's right.

If we don't like the process that's been established, let's change it. Let's tell the Federal agencies, you need to have a broader pool, you need to give more grants out to small colleges, you need to do this, you need to do that, but let's establish a process and then follow it rather than circumvent it. And this, I see, is circumventing the process.

This bill, the underlying bill today, funds the National Science Foundation at a level of more than $6 billion. What is the purpose of funding an agency like this and telling that agency to

give out grants on a competitive basis if we're going to go around it and give out our own grants from Congress? It just doesn't seem right.

I urge my colleagues to support the amendment.

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

Mr. VISCLOSKY. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the recognition, and I rise in opposition to the gentleman's amendment to strike funds in this bill for the meteorological equipment for Valparaiso University.

I first want to thank the chairman of the subcommittee Mr. MOLLOHAN, as well as the ranking member Mr. FRELINGHUYSEN, for their consideration of this important project.

Mr. Chairman, this earmark is relative to two issues. The first is the safety of people who live throughout the Upper Midwest.

A key element to strengthening Valparaiso's meteorology program, as the gentleman from Arizona is correct that Valparaiso is an exceptional university, is the acquisition of Doppler radar. Doppler radar at VU will be very beneficial to the millions of people living along the southern shore of Lake Michigan because that area is currently underserved by pinpoint weather forecasting. In addition to Doppler radar, VU will begin daily weather balloon launches. As the only balloon site in Indiana, Valparaiso University will supply critical data to the meteorological community.

The notoriously unpredictable weather conditions in this area, lake-effect snow in the winter and severe thunderstorms and tornados in the spring and summer months, make the presence of Doppler radar and data gathered from the balloon station critically important to the region.

The amendment also deals with the issue of strengthening our future by investing in science and the young people in our Nation. The global economy is nothing if not competitive, and in order for the United States to remain at the forefront of scientific innovation, we must work with our universities to develop and maintain world-class scientific programs.

Valparaiso is currently home to a nationally ranked meteorological program, and we must leverage this resource to advance our national scientific interests, and I believe the university is well positioned to use the funds to continue to be a national and global leader in this field.

The procurement of the latest industry standard equipment by VU's meteorological program is also vital to helping students become familiar with the technology they will encounter after graduation as they go on to pursue careers that include the Air Force, NASA and the National Science Foundation. The purchase of new equipment will enable Valparaiso students to conduct more undergraduate research, as they will have access to a greater variety of data and the ability to archive it.

I strongly oppose the gentleman's amendment, and again thank the Chair and ranking member.

Mr. Chairman, I will yield back my time.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. First of all, let me compliment the gentleman from Indiana on his project. We are here arguing, debating, describing, justifying, and questioning the merits of this particular project. However you want to describe it, the gentleman who offers the amendment, his basis of offering these amendments is, on the one hand, that we shouldn't be doing this. We talk about that on almost every amendment, the fact that indeed it is the job of the United States Congress and particularly the House of Representatives in the first instance under Article I of the Constitution to do just exactly this. This is our job. This is what we do—we provide funding for the United States of America.

The gentleman, I'm paraphrasing, said one Member of the body or of the Appropriations Committee or one Member of the Congress brings a project forward. Well, there's nobody in the Congress who would bring a project forward for this gentleman's congressional district if it were not this gentleman.

And then we get to the merits of the particular project. This one seems eminently justifiable; funding for equipment to train young people in forecasting. If you believe in government participation in education, that's what we do, and this is how we can empower this institution, this educational institution, so that they can bring excellent training for weather forecasting, which I think we all have to stipulate is extremely important for the Midwest in light of the kind of weather conditions they have.

So let me compliment the gentleman from Indiana for his project, and for bringing it to us. We have looked at it carefully, and perhaps we should say thank you to the gentleman who raises the amendment for giving the gentleman from Indiana an opportunity to stand up and discuss and describe his amendment for us and for his constituency.

□ 1115

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to the gentleman from Arizona, let me associate myself with the remarks of Chairman MOLLOHAN.

I have every confidence, and even more so, from hearing from the gentleman from Indiana, that this project has merit. He has had the opportunity to expand on what we saw in a digested form, and I think he has made a strong case for this project. He is willing to put his name on the project, which means his integrity is backing that project.

I salute him for what he is doing. I oppose the amendment.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Let me simply say that it's often said through earmarking we are simply asserting our right and the responsibility we have as Members of Congress under article 1. Under article 1, we certainly have the power of the purse.

The problem is, I think the contemporary practice of earmarking, when you bring a bill to the floor that has over 1,500 earmarks, you diminish that responsibility that you have, because we go around or circumvent the careful process of authorization, appropriation, and oversight that is a time-honored practice and hallmark of this institution. When we earmark, we get away from that and not enhance it. That's the reason for bringing these amendments forward.

Mr. FRELINGHUYSEN. Reclaiming my time, and just for the record, the bill has approximately 1,100 earmarks, which is about one-fourth of what we had last year. We are, indeed, making some progress in reducing the number.

In any case, Members come forward to defend their earmarks, which I think is entirely appropriate. There is far more transparency, far less in the way of earmarks. I think the process has been vastly improved.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used for the National Textile Centers.

Mr. FLAKE. Mr. Chairman, this amendment would prohibit funding for the National Textile Center. The earmark description in the various certification letters submitted to the committee by various sponsors, and this is one that is sponsored by a number of Members, I understand, says that the earmark will fund the development of a National Textile Center; specifically, the funds will be used to conduct research and development and improve technologies.

The Web site for the National Textile Center states that it is a consortium of eight universities, Auburn, Clemson, Cornell, Georgia Institute of Technology, North Carolina State University, University of California Davis, University of Massachusetts Dartmouth and Philadelphia University, that share human resources, equipment and facilities. This consortium serves the U.S. fiber-textile-retail complex industries.

It's not at all clear what amount this program is to be funded. The committee report language says funding for two textile-related programs, but the proposed funding amount is nowhere to be found in the text of the bill or the committee report.

The manager's amendment recommended that the U.S. foreign and commercial service account be increased by $5 million to $245,720,000 in order to fund ''two textile-related programs.'' We can only infer that this increase will fund this program and another program, but there is no way for us to be certain. Inquiries made to the relevant subcommittee failed to clarify the matter.

Members of Congress as stewards of the taxpayer's dollars, as stewards, need and deserve more information to make informed decisions.

Beyond the transparency issues here, I simply don't agree here, again, with this picking winners and losers here. I understand the textile industry has undergone great transformation with jobs, a lot of jobs going overseas. There is great difficulty there. I don't minimize that. That is true with a lot of industries.

In my district and elsewhere, a lot of people would like to receive funding to help their industries transition. We simply can't do it everywhere.

Some Internet searching on the National Textile Center indicated the center already exists and has received generous funding in the past. A press release from the center touted that more than $9 million in Federal funds were received in 2001. That, again, is a little confusing when we are told that this will fund the development of a national textile center that seems to already exist.

But anyway, again, here, this is an example of a program we have over the Department of Commerce that we have used that funds programs like this. I simply don't see the need to earmark additional funds to supplant or to replace or to augment funds that have already been appropriated and for which there is a process that has been established for competitive grants to be given.

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

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. PRICE of North Carolina. Mr. Chairman, I am joined by 11 colleagues from North Carolina, as well as colleagues from several other States, in requesting fiscal year 2008 funding for the National Textile Center. I want to say to the gentleman introducing this amendment that if there is, in fact, any lack of transparency or any confusion about our intent, I would be happy to clear that up.

We do indeed intend for this funding to go to the National Textile Center, which has been established, as the gentleman acknowledged, for a number of years. In fact, it has received funding since fiscal year 1992. It is a center that involves a number of universities and has expanded since that time. And it's a center that has a well-established track record.

The National Textile Center is just what the name suggests. It's a national program for a national industry that affects our national competitiveness. There is a consortium of eight leading research universities that participate: Auburn, Clemson, Cornell, Georgia Tech, North Carolina State, Philadelphia University, University of California Davis, and University of Massachusetts Dartmouth.

Now, any of us from North Carolina or other traditional textile-producing States are all too accustomed to news of textile operations closing their doors. Some may be shortsighted enough to suggest that the textile industry is unworthy of investment, given the loss of manufacturing jobs over the past decade.

I and my colleagues come to exactly the opposite conclusion. The textile industry is a major player still, and will continue to be a major player in the U.S. economy. It employs 600,000 workers nationwide, and it contributes almost $60 billion to the national GDP.

It's true that many lower-skilled and lower-paid jobs have left our States, but the domestic textile industry is undergoing a remarkable transformation. The research provided by the National Textile Center is an initial factor in that transformation. It's helping advance the industry in new directions, providing new, higher-paying jobs, increasing U.S. competitiveness in the process.

As the chairman of the Appropriations Subcommittee on Homeland Security, I know firsthand about the new fabrics and fibers that are protecting our first responders in new and threatening situations. That's just one example. The suits worn in this Chamber, the next generation of suspension bridges—there is a long list of products and technologies that this research consortium is going to help shape.

The new textile products and the processes created by this research are valued at three times the Federal investment to date, so it's certainly not the time to pull the rug out from under these vital projects.

Mr. Chairman, the National Textile Center is needed by a national industry. The National Textile Center is wanted and welcomed by the Department of Commerce. And the National Textile Center was requested by more Members than any other project in this bill. It's a worthy recipient of Federal funding, and I urge defeat of the amendment.

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

Mr. COBLE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. COBLE. Mr. Chairman, when it comes to earmarks, it's easy for me to embrace my earmark as good government and reject your earmark as wasteful pork. By the same token, it's easy for you all to embrace your respective earmarks as good government and reject mine as useless, wasteless pork. That probably amounts to hypocrisy, but it is nonetheless a political fact of life.

Now, when you talk about the textile industry, I become very subjectively involved. My late momma was a machine operator in a hosiery mill. She later worked for the Blue Bell Corporation, which was the predecessor to the Wrangler and the VF Corporation. Her job was to sew pockets on overalls, a tedious, demanding job, before the days of air conditioning, I might add. So when people gang up on the textile industry, they are ganging up on my momma. It bothers me.

We could talk all day here. Many of my friends from North Carolina, we represent what was recognized as the buckle of the textile belt. It's a beleaguered industry, and we don't need to be piling on at this juncture.

My friend from North Carolina (Mr. PRICE) has already suggested the significance, but let me repeat it.

The National Textile Center, NTC, and the Textile/Clothing Technology Corporation, [TC]2, play a critical role in helping the U.S. textile and apparel industry, which currently employs over 600,000 workers nationwide and contributes nearly $60 billion to the Nation's gross national product on an annual basis to compete with textile manufacturers in other countries.

It should also be noted that the industry is a primary supplier of employment to women and minority workers, with many of these jobs located in depressed and rural areas as well as major inner cities.

The NTC is proven and provides a highly effective structure for maximizing fundamental research and development efforts of value to the textile and apparel industrial sector. The value of new textile products and processes that have been created by NTC research is over $300 million, nearly three times the Federal investment in NTC to date.

[TC]2 is engaged in helping to transform the U.S. textile and apparel industry into a highly flexible supply chain, capable of responding to rapidly changing market demands. During calendar year 2006, 60 percent of [TC]2's

annual budget was supplied by the private sector. [TC]2 expects at least 55 percent of its 2007 funding to be provided by the private sector. To date, the public investment alone in [TC]2 has produced technology advancement valued in excess of $375 million, a return of more than 400 percent.

These programs do not specifically benefit any particular congressional district. They are an important element of our national textile industry which once led the world but, as has been noted, is now struggling to keep pace.

The textile industry needs these programs and our support, which have proven to be a wise investment in the past. This is why this amendment should be defeated.

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

Mr. WATT. Mr. Chairman, I rise in opposition to the amendment and move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Chairman, I think we come to the floor not because we feel like Mr. FLAKE's amendment is likely to pass, but he provides a unique opportunity for us to talk to each other and the American people about some of the problems and stresses that are taking place in our country. There are three points that I want to make.

First of all, this is not a local issue for me. The appropriation, the consortium, is of eight leading textile research universities in Alabama, California, Georgia, Massachusetts, New York, North Carolina, Pennsylvania and South Carolina. Not one of those universities is located in my congressional district. This is not a local pork barrel request for those of us who are rising.

Second, I want to make the point that Mr. COBLE and I, on a bipartisan basis, have been the co-Chairs of the furnishings caucus, which the textile industry provides a major base for in North Carolina and in other parts of the country. This is not something that's just about textiles. It is about a broader-based loss of jobs and employment opportunities and a severe impact on our economy and various economies in multiple States that goes well beyond just the textile industry. I hope Mr. FLAKE recognizes that.

□ 1130

The third point I want to make is a broader point, because it is raised by the gentleman from Arizona in a sequence of amendments. He has made the argument that somehow we are better off to let the Federal Government be making these decisions rather than trying to direct these appropriations through this process to local communities.

Now, that's an interesting argument for a person to be making who in most cases makes the counterargument that States rights are more important than Federal rights. If anybody knows what the priorities ought to be in North Carolina, Massachusetts, Alabama, South Carolina, it should be the people who are representing those areas, and I would have to say Presidents, administrations, Democrat and Republican, have not paid sufficient attention to the plight of the textile industry, the furnishings industry, the loss of manufacturing jobs that we pay in our local communities.

So for somebody to make the argument that we shouldn't be involved in the process when the decisions that are being made are impacting our local communities, I don't understand, especially a gentleman who has consistently and long term supported the notion of States rights.

So I think this is an appropriate thing for us to be doing, not only in this amendment context, but in most of the contexts, in essentially all of the contexts. I even supported his Republican colleague's Christmas tree amendment because I thought he knew more about the Christmas tree industry in his local community than anybody was ever going to know on a national basis about the importance of Christmas trees to his local economy. These are things that we are uniquely situated to understand and advocate for, and I would hope that our colleagues would strongly and resoundingly defeat this amendment, for those three purposes and others.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Thank you, Mr. Chairman.

I rise in opposition to the amendment. Some people may have thought that since I have supported Mr. FLAKE on a number of amendments, that this was sort of a centrifuge way for me to help defeat the amendment because it might lose support, given the fact that I have supported some of his amendments and not supported others. But, rather, I did request an earmark. It is one of the seven or eight earmarks that have been combined together in this in support of the textile center because the textile center exists in about eight different locations around the country, eight institutions, one of them the University of California at Davis. That part of UC Davis which is part of this is actually not in my district. It's in the gentleman, Mr. THOMPSON's, district. But I am convinced of the worthiness of this request for a slightly different reason than has been mentioned on the floor to this time.

One of the key areas that the textile center funds go to support in the work and research that's done at the UC Davis center is in the area of personal protection, research improving the functional clothing for homeland security and occupational safety. What do we mean by that?

Well, there are what are known as biocidal Nomex fabrics, which have been developed for firefighters, for first responders and for military personnel in collaboration with the National Personal Protective Technology Laboratory. In collaboration with the California Department of Forestry and Fire Protection, research has enhanced the safety and comfort of firefighters' uniforms by improving and redesigning the fabrics and clothing. Biocidal textiles, and biocidal means that there is something that is in the textile itself, the product itself, which can kill certain kinds of things, substances which would be harmful to those who are wearing them. This is dedicated research for this specific purpose. Biocidal textiles, including protective masks, have been designed and developed for health care and other workers, resulting from interdisciplinary research teams, which include social and physical scientists, public health and environmental researchers.

So while there are many reasons to support this amendment from the standpoint of those that are attempting to help an industry that has had difficult times, I rise in support of the very specific research that's being done as part of the textile center operation at the University of California at Davis which goes to protecting those folks who respond as first responders when we have explosions, when we have fires. It is not just being said to come up with some extraordinary reason to support this. This is actual research being done that has produced products that has made it safer for our first responders.

One of the things I have requested from anybody who has asked me to put forth an earmark request is show me the Federal nexus. This to me is clearly a Federal nexus. This is research that supports first responders all over the country. It's concentrated research that means it is done on a far better basis than otherwise would be possible. It enhances the final product. And in that way, it seems to me, it is a substantial, reasonable application of Federal funds for a Federal purpose.

For that reason, even though I have great respect for the gentleman from Arizona, whom I think has done a great job, and I have referred to him publicly because of his pleasant demeanor as he approaches this difficult task as Don Quixote with couth, I still would have to say with all due respect, I must oppose his amendment.

Mr. ETHERIDGE. Mr. Chairman, I stand in opposition to the gentleman's amendment and move to strike the last word.

The CHAIRMAN. The gentleman from North Carolina is recognized for 5 minutes.

Mr. ETHERIDGE. Thank you.

For many of my colleagues this is just another earmark. For me this is somewhat personal because the first job that I ever held right out of high school before I went to college was in a textile plant. That was when they were plentiful in North Carolina and really

across the Southeast. Hard work, in a lot of cases it was dirty work, but it was honorable work, and it made a difference in people's lives.

The National Textile Center, or NTC, as you have already heard, really is a national initiative. It's not a localized project. It's a project that has already made a difference. It will continue to make a difference. And as you have heard, it's a consortium of eight leading textile research universities. One of those is in my State. Actually one of the universities happens to be in my district, an outstanding university, North Carolina State University. But each of these States making a contribution, or the universities in these States. They're working to advance every aspect of the textile industry, from fiber production to marketing, through research, education, and, more importantly, industrial partnerships.

That's the kind of thing we ought to be promoting here. We ought to be about getting people to work together. That's what this is about. Yet we have an amendment that says, no, we don't want you to work together. We'd just as soon you have those silos. We argue on this floor daily about knocking down silos and getting people to work together.

The National Textile Center was established really to achieve that one goal, but three others:

It was to develop new materials, innovative and improved manufacturing procedures and integrated systems essential to the success of a modern fiber, fabric and fabricated products manufacturing enterprise.

Secondly, to provide trained personnel. It's important today as the industry changes to have people who can affect the new industry, because it is a high-tech industry today, and to develop those industrial partnerships and technology transfer mechanisms.

And, finally, to strengthen the Nation's textile research and education efforts.

Just yesterday I had a large manufacturer of textiles in my office. Twenty-four plants. He closed one in the western part of North Carolina. Now, for some people that might not make a difference, but for about 300 people that lost their jobs, that's trauma. Their lives have been changed. This is a way we can help that situation. We've lost our shoe industry overseas. Much of our textiles have gone. We are now about trying to reclaim some of it.

Now in its 14th year of activity, the center has made numerous contributions to its constituents, helping to keep the textile industry economically viable by providing a knowledge-based, competitive, cutting-edge opportunity. It enjoys widespread industry support and a partnership across the States.

As has been stated already, this industry is still alive. Six hundred thousand workers in America are still employed in the textile industry, contributing nearly $60 billion to the national gross domestic product on an annual basis. Research has already provided, as you have heard, uniforms and opportunities for our first responders. They're in the process in a broader sense of creating fabrics that are self-decontaminating to protect against biological and chemical hazards.

These are things we ought to be doing. And, yes, we ought to be doing them in a way that we work together so that at multiple universities and the bright minds we have across this country today can work together to make a difference.

I oppose the gentleman's amendment, and I ask this body to defeat it resoundingly.

Mr. ADERHOLT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chairman, I rise today to oppose the amendment, and I'm sure that my friend and colleague from Arizona means well in this endeavor. But I must say that I support the National Textile Center.

As you know, Mr. Chairman, our domestic textile manufacturers are facing tremendous competition from around the world, and much of that is due to the way that our trade laws in this country are structured. And it's not the fault of our domestic manufacturers. The only way we can remain competitive against cheap labor in these foreign countries is through cutting-edge technology.

The National Textile Center strengthens our Nation's efforts by bringing together diverse research and also those in the industry so that our textile producers can produce to lead the world in technology. So the end results, therefore, will be workers in the United States can continue to produce the highest-quality products and in the most efficient manner.

This center that we're discussing today, the National Textile Center, provides real-world applications that are needed to make sure that the textile industry in America survives. For that reason, Mr. Chairman, I rise to support this center and to oppose the amendment that is being offered before us at this time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. FRELINGHUYSEN. While I am opposed to the gentleman's amendment, I would like to yield him time because there have been a number of other speakers.

Mr. FLAKE. I thank the gentleman for yielding. I'll be very brief.

One of the gentlemen mentioned that we in Congress simply shouldn't let the Federal Government spend this money. The last time I checked, we are the Federal Government. We're one branch of it, and it's our job to appropriate money to another; that is, to actually spend that money. We don't spend that money here. We don't write the checks. That's done by the Federal agencies. Our role is to provide oversight and to authorize the programs.

□ 1145

And so I'm not advocating at all that we step back. I'm advocating that we actually go to the time-honored practice of authorization, appropriation, and oversight. And that allows us to actually go into these Federal agencies and really provide good oversight.

But I can tell you, it's very difficult to provide oversight for example for the Defense bill. Last year or the year before, I believe, we provided an earmark in the Defense bill for a museum in New York, in the Defense bill.

How can you provide good oversight with any straight face, go to the Defense Department and say, we think that you should have spent more money on body armor for our troops in Iraq. Oh, but by the way, we directed you to spend $2 million on a museum in New York. It just doesn't seem right to me. And so I think, frankly, we cheapen our role when we, the contemporary practice of earmarking, I think, has cheapened the role of Congress and moved us away from authorization, appropriation, and oversight. So that will be my response, and I would urge support for the amendment.

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I rise in opposition to the amendment.

The gentleman alludes to the Defense Department. He could save a lot more than $2 million for the United States Government if he turned his attention to the Defense Department and some of the contracting activities that are certainly going on in Iraq. And perhaps that's something he will want to look at.

But let me say with regard to the textile-designated funding in this bill, I don't know a project that has actually had more scrutiny, or more broad-based support than this project. And in a time when our industries are competing internationally, the textile industry is particularly under siege around the world. This initiative has probably saved the textile industry that continues to struggle to exist in this country. To the extent that this program has been able to save it, the research and development that has come out of the textile industry's research can largely take credit for that.

I want to commend the Members who represent these areas. And it's not one area. It's not two areas. There are eight universities involved in this, focusing on this and being ahead of the problem enough in order to be able to fund, promote, and facilitate the research that has allowed the textile industry to be as competitive as it is around the world. It is only research, it is only new discoveries, it is only new materials, new ways of manufacturing

that have allowed the textile industry in this country to survive. So actually, these gentlemen are to be commended, each and every one of them for their foresight in supporting this project. I think I heard the textile industry has 60,000 employees across this country, and is a $60 billion industry. This is really a small amount of money which has had a huge pay-off for the textile industry and the economy of the country. It's a good project, Mr. Chairman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

Mr. PENCE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment No. 25 offered by Mr. PENCE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce the amendments made by subtitle A of title II of Public Law 107–155.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

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

Mr. PENCE. Mr. Chairman, I rise today to offer a very straightforward amendment. It would prohibit funds appropriated in this bill from being used by the Department of Justice to enforce the criminal penalties provisions of the Bipartisan Campaign Reform Act of 2002, commonly known as McCain-Feingold. It would, essentially, prevent the Justice Department from using funds to enforce criminal penalties against organizations that make electioneering communications under that bill.

The electioneering communications section of McCain-Feingold prohibits the use of corporate or labor union funds to finance broadcast advertisements that include the name or depiction of a Federal candidate within 30 days of a primary election and 60 days before a general election. Basically, it restricts the first amendment rights of Americans, whether they be in right-to-life organizations or the AFL–CIO or other labor organizations, from lobbying their Representatives and using the airwaves in those days before elections.

Happily, on June 25 of this year, the United States Supreme Court, in the case of FEC v. Wisconsin Right to Life, ruled unconstitutional this provision of the McCain-Feingold law that prohibits the broadcasting of such issue advertisements prior to an election, even if those advertisements reference a Federal candidate, and even if the advertisements have some electoral effect. It was, in a very real sense, Mr. Chairman, a huge victory for the first amendment because it's a major step in restoring the free speech rights to grass-roots lobbying organizations, left, right, and center.

The ruling allows advocacy groups around the country, like Wisconsin Right to Life, the freedom to run ads to encourage citizens to contact their legislators on issues of importance to them. And it reasserts the principle that the presumption under the law should be in favor of free expression rather than the muzzling of speech.

Those of us who hailed this ruling and welcomed it as a first step toward the reversal of McCain-Feingold were encouraged, but we knew this was not the end of the story. As the sole House plaintiff in the McConnell v. FEC case that challenged McCain-Feingold, I believe we must maintain our effort, which is to ensure that that about McCain-Feingold that intrudes on the first amendment rights of every single American are challenged. And that's why I'm on the floor today.

The Pence amendment reaffirms the Supreme Court's ruling in Wisconsin Right to Life. It simply states that no funds under this bill can be used to enforce criminal penalties against any organization airing such an issue advertisement. It further prevents criminal penalties attendant to the reporting requirements associated with the airing of such ads. We should not allow criminal penalties to be imposed on citizens for engaging in protected speech and for not reporting to the Government about their protected speech.

That is the crux of the Pence amendment.

Mr. NADLER. Would the gentleman yield for a question?

Mr. PENCE. I'd be pleased to yield.

Mr. NADLER. Is your amendment limited to saying you can't use funds to enforce criminal penalties against what the Supreme Court ruled unconstitutional, or does it have broader effect against other provisions of the McCain-Feingold bill?

Mr. PENCE. Reclaiming my time, I appreciate the gentleman's question.

In fairness, my amendment says that no funds may be used to force amendments made subject to title A of title II of Public Law 107–155, which, according to some, is slightly broader than the Supreme Court decision. But this is the provision of the law that the Supreme Court essentially struck down. That's the crux of the Pence amendment.

All of those who claim allegiance to the first amendment, I believe, should be thrilled with the Wisconsin Right to Life decision and support the Pence amendment.

I think we still have much to do to reinstate full first amendment protections to the American people. But I continue to believe we're badly trampled by McCain-Feingold.

But passing the Pence amendment today in the Congress would simply reaffirm the essential elements of the Supreme Court's decision in the Wisconsin Right to Life case. It's an important first step on this floor. It's one I encourage my colleagues to support.

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

Mr. MOLLOHAN. I move to strike the last word.

The CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, the FEC is planning to issue new regulations to comply with the Supreme Court ruling that the gentleman reference. That issue, with regard to mentioning candidates, may be seen in the run-up to elections. This amendment would not interfere with that process. Mr. Chairman, we'll accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

Page 83, after line 6, insert the following new section:

SEC. 529. For ''OFFICE ON VIOLENCE AGAINST WOMEN—VIOLENCE AGAINST WOMEN PREVENTION AND PROSECUTION PROGRAMS'' for the Jessica Gonzales Victims Assistance program, as authorized by section 101(b)(3) of the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162), and the amount otherwise provided by this Act for ''DEPARTMENT OF JUSTICE—GENERAL ADMINISTRATION—SALARIES AND EXPENSES'' is hereby reduced by $5,000,000.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. A point of order is reserved.

Mr. NADLER. Mr. Chairman, this amendment will increase the Violence Against Women Prevention Programs by $5 million intended to fund a specific provision, namely the Jessica Gonzalez Victim Assistance Program. To offset this cost the Department of Justice general activities accounts will be reduced by the same amount, $5 million.

The Jessica Gonzalez program places special victim assistants to act as liaisons between local law enforcement agencies and victims of domestic violence, dating violence, sexual assault and stalking in order to improve the enforcement of protection orders. It develops, in collaboration with prosecutors, courts and victim service providers, standardized response policies for local law enforcement agencies, including triage protocols to ensure that dangerous or potentially lethal cases are identified and prioritized.

Victims of domestic violence need the Jessica Gonzales program because the current system has undermined the effectiveness of restraining orders. In Castle Rock v. Gonzalez, the Supreme Court held that the police did not have a mandatory duty to make an arrest under a court-issued protective order

to protect a woman from her violent husband. This case came as a result of an incident in 1999 involving the kidnapping of Ms. Gonzalez's children by her estranged husband. Despite her numerous pleas to the police to arrest her husband for violating a protection order, including providing them with information on his whereabouts, the police failed to do so. Later that night, Mr. Gonzalez murdered their three children.

The Jessica Gonzalez Victim Assistance Program restores some of the effectiveness of restraining orders that the Supreme Court took away with its ruling.

This is the first opportunity we have had to grow the Jessica Gonzalez Victim Assistance Program since it was first funded last year after its initial authorization in the Violence Against Women Act reauthorization of 2005 in order to strengthen the effectiveness of restraining orders.

This program strengthens the efficacy of restraining orders against the prevalent matter of domestic violence. Tragically, as we know, violence against women is a pervasive problem which goes beyond class, culture, age or ethnic background. Every 9 seconds a woman is battered in the United States, and every 2 minutes someone is sexually assaulted.

According to the Department of Justice, more than three women are murdered by their husbands or boyfriends every day. More than 2½ million women are victims of violence each year, and nearly one in three women experience at least one physical assault by a partner during adulthood. Many more cases go unmentioned as women, fearing to come forward, leave the assaults unreported.

The Jessica Gonzalez Victim Assistance Program helps to enforce restraining orders and protect women who are victims of domestic violence, and it is a great step forward from when we authorized it 2 years ago and when we first funded it last year.

Mr. Chairman, we need more funds for this program. I am aware that this bill, because of the good work of the chairman and the committee members, includes approximately $430 million to support grants under the Violence Against Women Act which is $47 million more than the current budget and $59 million above the President's meager request for fiscal year 2008.

I'm also aware that in amendments we passed last night, we increased funding for the Violence Against Women Act by about 40 or $45 million, and I hope that some of that will survive in conference.

And in light of that, I will now withdraw the amendment, but urge my colleagues to support the CJS appropriations amount granted to programs that protect women and their families, especially the Jessica Gonzalez Victim Assistance Program, and hope that in conferences all of these matters are hashed out, that a little more money can be spared for this program, especially in light of the amendments approved last night.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The Acting CHAIRMAN (Mr. HASTINGS of Florida). Without objection, the amendment is withdrawn.

There was no objection.

Mr. SAXTON. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. SAXTON. I would like to engage my distinguished colleague, Chairman MOLLOHAN, in a colloquy regarding the importance of supporting ecosystem-based monitoring to better understand water quality and ecosystem effects on our fisheries.

U.S. fisheries are experiencing increasing pressure as the near-shore marine ecosystems that sustain them deteriorate due to human activity and as blooms of jellyfish and other organisms that compete for food with juvenile fish like summer flounder grow in frequency and abundance.

□ 1200

The present trend may well be the cause of significant economic harm to coastal communities in various areas along the coast. The lack of rebuilding in one of our most important coastal fisheries, summer flounder, may be an example of the downside to managing a fishery without taking into account the ecosystem impacts on its ability to rebuild. An ecosystem-based approach to management requires ecosystem-based monitoring. The use of innovative, cost-effective, place-based data collection systems would provide continuous high-quality data on a number of important water quality and biological parameters that will greatly improve the data which fisheries are managed.

I hope, Mr. Chairman, you will consider allocating some of the programmatic resources in this bill to support the use of such new technologies that hold great promise.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I thank my colleague from New Jersey for bringing this important technology, place-based data collection stations, to my attention. I am pleased to consider this funding need as we move forward to conference should funds become available.

Mr. SAXTON. Mr. Chairman, I thank the chairman very much for his attention to this matter.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. NADLER:

At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to enforce section 505 of the USA PATRIOT Act until the Department of Justice conducts a full review and delivers to Congress a report on the use of National Security Letters to collect information on U.S. persons who are not suspected to be agents of a foreign power as that term is defined in 50 U.S.C. 1801.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. The point of order is reserved.

Mr. NADLER. Mr. Chairman, I commend the chairman of the committee for including in this act a provision that no funds shall be made available to authorize or issue a National Security Letter, NSL, in contravention of current law. That should go without saying, but as we have seen, apparently not with the current administration.

My amendment asks for an accounting by the Department of Justice of the FBI's collection and use of information on U.S. persons who are not suspected of being terrorists or agents of a foreign power before we provide further funding for the issuance of more National Security Letters.

This amendment prohibits funds from being used to issue a National Security Letter under the provisions amended by section 505 of the PATRIOT Act until the Department of Justice conducts a full review and delivers a report to Congress on the use of NSLs to collect information on U.S. persons who are not suspected of being agents of a foreign power, or terrorists, as that is defined in 50 U.S.C. 1801.

The underlying bill asks for the FBI to conduct a report within 2 months on what has been done to implement the inspector general's recommendations with respect to NSLs. This would simply ask that that report be more specific and more inclusive and include the following information:

How many National Security Letters have been issued; what standards are used to determine when to seek information on a person who is not suspected of being an agent of a foreign power; the current guidance as to what is ''relevant'' to an investigation when the targets are not suspected of being agents of a foreign power; how that information is stored; how the information is used; whether the information is used; whether that information is ever destroyed; whether that information has led to any substantial leads in terrorism cases; whether that information has ever been used in criminal cases; and whether that information has led to any adverse government action against people not suspected of being enemy agents, agents of a foreign power, or terrorists.

Almost limitless sensitive private information from communication providers, financial institutions, and consumer credit agencies can now be collected secretly by simply issuing a National Security Letter on an FBI field director's simple assertion that the request is merely relevant to a national

security investigation. These communications and records can be of people who are U.S. citizens who are not suspected of being agents of a foreign power or terrorists. These communications and records can be demanded without any court review or any court approval. Worse yet, the target of the NSL will never know that his communications and records were inspected by government agents because the company, the financial agent, the service provider, the bank is barred by law from telling him or anyone else of the demand. And as we know from the FBI inspector general's audit, this broad discretion has been abused by the FBI, whose agents may have violated either the law or internal rules more than 1,000 times while misusing the authority to issue National Security Letters.

This recent IG report heightens the clear need for more adequate checks on the FBI's investigatory powers with respect to NSLs. The FBI has far-reaching compulsory powers to obtain documents in terrorism investigations without NSLs. In criminal investigations the FBI can obtain a search warrant if there is a judicial finding of probable cause or a grand jury subpoena issued under the supervision of a judge and a U.S. attorney. And in international terrorism cases, the FBI has sweeping authority to obtain records under section 215 of the PATRIOT Act, all this separate from NSLs.

I intend to introduce this week, with Congressman FLAKE, the National Security Letters Reform Act of 2007 to address more fully the issues presented by section 505 of the National Security Letters.

The bill would restore a pre-PATRIOT Act requirement that the FBI make a factual, individualized showing that the records sought pertain to a suspected terrorist or spy. It also gives the recipient of a National Security Letter an opportunity to obtain legal counsel. It thus preserves the constitutional right to their day in court.

Already courts have found part of the NSL authority to be too broad and unconstitutional. The provisions that state that NSL recipients are forbidden from disclosing the demand to the targeted individual and are forbidden even from consulting with an attorney have already been struck down. Another court found the NSL authority to be unconstitutional on its face because it violates the fourth amendment's protection against unreasonable searches and seizures.

The National Security Letters Reform Act of 2007 would allow the FBI to continue issuing National Security Letters by correcting the constitutional deficiencies in the law. This bill would enable the FBI to obtain documents that it legitimately needs, while protecting the privacy of law-abiding American citizens.

I ask that my colleagues vote for this amendment so that we can protect the privacy of U.S. persons who are not terrorists or agents of terrorists before we provide funding for those broad and sweeping powers provided under the PATRIOT Act.

I urge my colleagues to vote for this amendment.

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

The Acting CHAIRMAN. Does the gentleman from New Jersey continue to reserve his point of order?

Mr. FRELINGHUYSEN. Yes, I do insist on my point of order, Mr. Chairman.

Mr. MACK. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. MACK. Mr. Chairman, I rise to briefly lend my support to the conservative goal of congressional oversight.

I have heard from many individuals and business leaders about section 505. It has caused the financial services sector to work overtime in complying with the section, and it has laid the foundation for an explosion in the use of National Security Letters.

Section 505 allows the executive branch to bypass the Constitution's procedures for search warrants and grants authority that Congress has a legitimate interest and role in monitoring.

This amendment simply asks the DOJ to conduct a review of their activities and ensure that the civil liberties of law-abiding Americans are not getting swept up in the process of keeping our Nation safe.

Mr. Chairman, we all agree that protecting this country is a top priority, but alongside that should be ensuring that our freedom is not threatened along the way. The best way this body can do that is through smart and direct oversight. This amendment calls for that.

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

The Acting CHAIRMAN. The gentleman from New Jersey continues his reservation.

The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to this amendment, and I reserve a point of order.

The FBI's use of National Security Letters is a very important issue. It should be addressed by authorizing committees. I would like to point out, which I know the sponsor knows, that it is his Judiciary Committee that is the authorizing committee, and I respect that, and I know he exercises a very powerful position on that committee.

This amendment requires the Department of Justice to report on its use of National Security Letters before they can issue any new National Security Letters. As we all know, the Department of Justice Inspector General released a report on the FBI's abuse of the National Security Letters in March. I hope the Judiciary Committee has been asking the Department of Justice questions. I am sure they have. Perhaps they should even mark up a bill to reform the FBI's use of National Security Letters after they have further studied this issue if they feel the reforms made by the FBI are not sufficient to date.

Despite past abuses of National Security Letters, we know that they are an important intelligence tool. We also know that al Qaeda has reestablished its central organization, training infrastructure, and lines of global communications, and that the National Intelligence Estimate has put the United States, in the words of that estimate, ''in a heightened threat environment status.'' Taking away this important intelligence tool, these National Security Letters, from the Department of Justice while they compile a report, given this heightened threat environment, is not prudent. The use of National Security Letters is a very important issue that should be considered carefully and not debated for a few minutes on an appropriations bill.

I urge rejection of the amendment, and I insist on my point of order.

POINT OF ORDER

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation on an appropriations bill and therefore violates clause 2 of rule XXI.

The rule states in pertinent part: ''An amendment to a general appropriation bill shall not be made in order if changing existing law imposes additional duties.''

I ask for a ruling from the Chair.

The Acting CHAIRMAN. Does the gentleman from New York wish to be heard on the point of order?

Mr. NADLER. Yes. Upon reflection upon the rules, the gentleman is quite correct in his reading of the rules, and I cannot object to his objection.

I do express the hope that in the report that the underlying bill demands that they will include the information requested by this amendment.

The Acting CHAIRMAN. The Chair is prepared to rule.

The Chair finds that this amendment imposes new duties on the Secretary to conduct a full review and deliver a report. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained and the amendment is not in order.

Mr. SHAYS. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Connecticut is recognized for 5 minutes.

Mr. SHAYS. Mr. Chairman, Congressman PENCE offered an amendment to the fiscal year 2008 Commerce, Justice, and Science Appropriations Act, the bill we are debating today, just an amendment before, to prohibit funds in

the bill from being used to enforce the criminal penalty provisions of the bipartisan Campaign Reform Act of 2002, provisions dealing with electioneering communications. This was debated and accepted by a voice vote.

It is my intention to ask that that vote be vacated so it can be part of the 2-minute voting process. And failing that, I will just ask that the vote be heard in the full Chamber, which would take 15 minutes. I am not trying to slip one by someone. I just simply want a rollcall vote on the floor of the House.

Why do I want a rollcall vote? I want a rollcall vote because the Supreme Court did not rule against the provision of Title II. It did not say that BCRA was unconstitutional as it related to Title II. Rather, it stated the provisions were unconstitutional as they applied to certain advertisements. This ruling means Title II will still be applied on a case-by-case basis.

Now, what did the campaign finance reform bill seek to do? It sought to do two things. One, it sought to prevent Members of Congress from raising money from corporations, labor unions, and unlimited sums from individuals in what we call ''hard money.''

□ 1215

That meant to enforce the 1907 law that banned corporate treasury money; the Tillman Act, the 1947 law banning union dues money; the Taft-Hartley Act; and the 1974 act, the Campaign Finance Reform bill, that made it clear you could not get unlimited sums from individuals. That was one part of the legislation.

The other part of the legislation attempted to deal with hard money contributions. These are monies from corporations, from unions, dues, from individuals, unlimited sums. And the way we sought to do that was we sought to do it by saying that a candidate's name mentioned 30 days before an election, a primary, and 60 days before a general election would be deemed campaign expenditures; therefore, no so-called ''soft money,'' the unlimited sums from individuals, corporations and labor unions, and it sought to say it had to be hard money contributions. So, Right to Life would have to raise $5,000 from each individual, put it in a political action committee, and it could spend unlimited sums based on whatever it raised in their PAC. For instance, the NRA, it has 4 million members, raises $10,000 from each. It could spend $40 million up to an election. It would be hard money, not soft.

And so my point is the Supreme Court has found the campaign finance law constitutional. It had a second issue looking at these election-nearing provisions, 30 days before a primary and 60 days before general legislation, and determined the case before it, the Wisconsin Right to Life case v. the FEC, was, in fact, permitted, and, therefore, the FEC needs to rewrite its regulations.

It is my intention, Mr. Chairman, to ask for a rollcall vote, and let me just state again why I'm doing this.

I will ask for a rollcall vote. There will be a rollcall vote. The question is, should it be a 15-minute rollcall vote or a 2-minute rollcall vote. I would prefer it be part of the whole system.

Mr. Chairman, at this time, I'm asking unanimous consent that the adoption by voice of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

Mr. FRELINGHUYSEN. Reserving the right to object, Mr. Chairman, I would like to ask Mr. SHAYS of Connecticut, who has done a good job of articulating his concerns, if we could reach out to the gentleman from Indiana as a courtesy before he proceeds.

Mr. SHAYS. I think that's fair. And I would be permitted to reoffer my motion as soon as Mr. PENCE or others have been consulted. May I have the right to reintroduce this?

The Acting CHAIRMAN. The gentleman may renew his request.

Mr. SHAYS. Mr. Chairman, I would withdraw my request at this time.

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLAKE:

At the end of the bill, before the short title, insert the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available by this Act may be used for the East Coast Shellfish Research Institute at the East Coast Shellfish Growers Association, Toms River, New Jersey.

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided by this Act for ''National Oceanic and Atmospheric Administration—Operations, Research, and Facilities'' is hereby reduced by $250,000.

Mr. FLAKE. Mr. Chairman, I will be very brief here.

This amendment would simply strike $250,000 for the East Coast Shellfish Research Institute.

We just debated an earmark a few minutes ago with regard to the textile industry, and we were told that we needed this earmark because the textile industry is in such dire straits and has been affected by international competition and incomes are down and jobs have been lost.

With regard to the shellfish industry, you have the opposite; you have an industry that is actually doing quite well. According to the East Coast Shellfish Growers Association, this is the administrative organization that would receive the earmark, there are 1,300 members of the association with a combined revenue of approximately $80 million this last year. This revenue averages more than $60,000 per shellfish farmer, far more than the median household income in the country. According to the U.S. Census Bureau, the median household income is around $44,000. So we have $60,000 in this industry as opposed to $44,000 nationwide.

It brings up the question, if we fund earmarks to study industries or to help industries that are in dire straits and we fund earmarks to fund industries that are doing quite well, why not everything in between? What is to stop us from going ahead and funding every private industry and their associations that are represented here or elsewhere? It simply doesn't make sense to me.

According to the National Oceanic and Atmospheric Administration, the Federal agency that manages the conditions of the oceans and the atmosphere, the U.S. seafood harvest has produced increasingly higher yields since 2000. This is in addition to increased consumer demand for seafood based on new dietary guidelines.

I grew up on a cattle ranch on a farm, and I don't want anybody to accuse me of favoring beef over seafood or shellfish. I don't. I like both. But in this case, it seems to me the Congress is again picking winners and losers here. We're saying we're favoring one particular industry, be it textiles, be it shellfish, and the only way to not do that is to give earmarks to every industry out there. And I just don't think that we can. We simply can't afford that. The taxpayer needs a break here.

So, with that, Mr. Chairman, I yield back the balance of my time.

Ms. DELAURO. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. I rise to strongly oppose the Flake amendment.

This year, the Congress has worked diligently to reform the earmark process and significantly increase transparency. We targeted a decade of abuse, while still protecting Members' ability to direct critical funds to important projects and to ensure they remain in the public interest. This earmark meets that obligation.

The East Coast Shellfish Research Institute is a nonprofit entity. It distributes funds to the National Oceanographic and Atmospheric Administration's Fisheries Lab in Milford, Connecticut, to conduct vital research about the shellfish industry.

I understand that the gentleman from Arizona is from a State that is landlocked. For those of us who are in Connecticut, Louisiana, South Carolina, Texas and other areas that this lab meets the needs for, we rely on a healthy shellfish industry. This is a small investment. It goes a long way and pays big dividends for this entire country. We keep the industry competitive, spurring significant sustainable growth, and strengthening communities around the country.

The Milford Lab and others performing similar research, such as Stony Brook University and the Virginia Institute of Marine Science, are national assets. They provide shellfish hatcheries with pioneering research and the tools to fight predators and disease, keep business profitable to

promote efficient, environmentally sound farming techniques.

The shellfish aquaculture industry is an economic powerhouse and a potential source of tremendous growth. The east coast, which relies on this industry, is home to more than 13,000 small shellfish farmers. Yes, the annual harvests are valued at nearly $80 million. The per-acre yields from shellfish aquaculture are among the highest of any form of agriculture. And I might add, this is agriculture; we just farm fish. And the industry provides thousands of jobs in rural areas. It supports related industries such as boat building, outboard repair, tourism and shellfish processing.

You know, today the U.S. now imports 80 percent of the seafood that we consume. Some of the worst food safety scares in recent weeks have come from seafood shipped from foreign shores. We should be building American businesses and providing an environment where more home-grown, safe seafood can reach the American public. These funds will turn research into results, making scientific information and innovation possible, benefiting shellfish producers nationwide, not only in Connecticut, but Louisiana, Texas, South Carolina, Washington State and, yes, other northeastern States.

You know, if my colleagues truly believe in supporting families and farmers, harnessing innovation, strengthening our economy, this policy is common sense.

I urge my colleagues to oppose the Flake amendment.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, under this project, funds would be used to support the East Coast shellfish aquaculture industry. I think the gentlelady has eloquently stated the merits of this request. The committee has looked at it, vetted it, spent hours going over all projects, including the gentlelady's, who serves as a distinguished member of our subcommittee, and we strongly support this project and oppose the amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, let me say I am in accord with Chairman MOLLOHAN in terms of supporting the mark we have in the bill, and I also support Congresswoman DELAURO.

From a New Jersey perspective, in the interest of transparency, I rise in support of the work of the East Coast Shellfish Research Institute of Tom's River in Congressman JIM SAXTON's district. They do some good work. They work with other institutes around the Nation. And so I strongly support the retention of the language on this project in the bill.

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

Mr. LARSON of Connecticut. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LARSON of Connecticut. Mr. Chairman, I rise in strong opposition of the Flake amendment, and I wish to associate myself with the remarks of the distinguished lady from Connecticut (Ms. DELAURO). I think she has articulated and laid out very eloquently the argument, an argument that is put forward on this floor that makes all the sense in the world, especially as we seek, in the ensuing days and next week, to talk about farmers and, in essence, fishermen.

I don't think there is any greater representation of the American way and the American way of life and rugged individualism than through the eyes of people that labor in agriculture or aquaculture.

And so, when you take a look at this very modest earmark so eloquently defended by Ms. DELAURO, it is surprising to me, especially as someone who is the co-Chair of the Congressional Shellfish Caucus, that this amendment would be drawn against such a regional way of looking and promoting and fostering aquaculture and making sure, especially in light of the concerns that Ms. DELAURO raises with regard to foreign entities importing into our country without the kind of care and caution that we know comes from home-grown fisheries, and in this case, shellfish, and the science behind this and the coming together.

Government operates best when it operates as a collective enterprise, and this process here, contrary to what the gentleman is saying, is most democratic in terms of representing those fishermen and those farmers who rarely get a chance to come to this floor themselves. But through their representative process, whether it's Puget Sound or whether it's Long Island Sound, from coast to coast, we make sure that their concerns get represented and that there is an opportunity, through this earmark, to make sure that we provide them with the necessary research to continue to foster and grow.

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. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT OFFERED BY MR. FOSSELLA

Mr. FOSSELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOSSELLA:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to carry out the decision of the United States Court of Appeals for the Second Circuit in Lin, et al. v. United States Department of Justice rendered on July 16th, 2007.

Mr. FOSSELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FOSSELLA. Mr. Chairman, my amendment is designed to prevent the Department of Justice from enforcing a decision made recently by the Second Circuit Court of Appeals in New York. Many of us know of the policy in China of forced sterilization and forced abortions, and this decision recently really ties into that.

As we also know, the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 clearly stated that Chinese nationals are eligible for asylum if they're subjected to forced abortions or sterilization procedures in China.

□ 1230

A decade of Department of Justice policy has held that spouses or unmarried partners of those subject to brutal treatment are also eligible.

Recently in Lin, et al., v. The United States Department of Justice, the second circuit overturned years of that policy and previous judicial decisions allowing Chinese men to claim asylum if their wife or partner is subject to a forced sterilization in China.

Less than 1 month before the second circuit handed down their decision, the third circuit came to the exact opposite assertion in Jiang v. The Attorney General of the United States, where they clearly upheld the decade-old policy of the Department of Justice granting asylum to spouses of those physically harmed by China's policy.

The chilling effect of the second circuit's decision is already being felt in States covered by the second circuit. Just 1 day after the second circuit handed down its decision, an immigration judge in Manhattan was bound to order the removal of an individual because her claim of asylum was based on the fact that her husband was a victim of the forced sterilization.

The lady had three children in violation of China's barbaric population control policies, keeping the first two hidden from the government. Upon the

birth of her third child, the Chinese Government became aware of her violation of the law and came to her home to force her to undergo sterilization. Due to the complications from her third birth, the doctor was unable to perform the sterilization, so the government simply seized her husband and sterilized him.

The judge in her case was sympathetic to her story and indicated his wish to grant her asylum; however, he felt that his hands were tied by the second circuit's decision just 24 hours prior.

Mr. Chairman, I will include the entire story for the RECORD.

We also have heard from many immigration lawyers. In light of this decision, many immigration lawyers are actively recommending to their clients who are seeking asylum based on such inhumane treatment to leave the States covered by the circuit in order to avoid expulsion.

Chinese nationals make up the largest number of asylum seekers in the United States. Between 2000 and 2005, 35,000 of the 157,000 asylum seekers came from China. It is unclear how many were petitioning solely due to China's brutal population-control policies.

In her dissenting opinion in the second circuit case, Judge Sonya Sotomayor made the point well when she wrote, ''The majority clings to the notion that the persecution suffered is physically visited upon only one spouse. But this simply ignores the question of whom exactly the government was seeking to persecute when it acted. The harm is clearly directed at the couple who dared to continue an unauthorized pregnancy in hopes of enlarging the family unit.''

To me it is clear that the effects of China's brutal forced sterilization procedures do not harm only the mother, but also the father, or vice versa. If the Second Circuit Court of Appeals can't recognize that, then I feel it is our responsibility to protect such asylum seekers either until there is a consistent national policy, or Congress considers a legislative remedy if necessary.

The second circuit's opinion, as we mentioned, recognizes the split. There are contrary decisions in the third, sixth, seventh and ninth circuits between 2002 and 2007.

Mr. Chairman, I include for the RECORD the statement on Jiang Meijiao.

STATEMENT

My name is Jiang, Meijiao. I was born on August 19, 1967 in Lian Jiang County, Fu Jian Province, P. R. China. I started school at the age of nine and stopped going to school after the second year of junior high. I stayed home to help with family chores afterwards.

My husband and I were junior high schoolmates. We held a traditional wedding ceremony on January 1, 1991. We were only allowed to have only one child according to the family planning policy because my husband belonged to city household and worked in a government work unit.

I found myself pregnant in early 1993. We wanted to have more children so I went to stay in my brother's home. I gave birth to a girl named Chen, Xi and another girl named Chen, Yu on September 18, 1993 and December 10, 1996 respectively with help of midwives in my brother's home.

I was pregnant again in October 1999 and during the late term of the pregnancy, I often experienced pain in my abdomen area. I dared not to seek medical examinations in hospitals so I went to a private doctor but was refused treatment by the private doctor. The private doctor suggested that I should go to a hospital. In the morning of June 12, 2000, around four o'clock in the morning, my water broke. My husband rushed to locate a midwife for help. When the midwife learned about the frequent pain I had during the last phase of my pregnancy, she refused to deliver my child but urged us to go to the hospital. My husband had to take me to Fu Zhou City No. 1 hospital immediately. I gave birth to our third child, a son named Chen, Qi on June 12, 2000.

During the delivery of my third child, I had bled severely. I had to stay in the hospital for about a week. I was diagnosed with hysteromyoma and the doctor gave me medicine and injection as well. I was told to return to the hospital to check up half year later.

I brought my newborn baby to my mother's home to stay after being released from the hospital and left our two daughters to my brother and his wife to take care of.

On October 9, 2000, six family planning cadres came to my mother's home and forcibly taken me to Lian Jiang County Family Planning Service Station and when the doctor tried to perform the sterilization operation, they found out the leiomyoma in my uterus was too big and they dared not to continue with the operation.

The family planning cadres detained me at the family planning office and went to my husband's work unit. They took my husband to Fu Zhou No. 2 Hospital and sterilized him. I was released afterwards. We were fined 20,000 on February 3, 2002.

I came to the U.S. on April 11, 2001 and returned to China on October 3, 2001. I came to U.S. again on February 9, 2006.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we have no objection. We accept the amendment.

Mr. NADLER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chairman, I entirely agree with the gentleman from New York. I entirely agree with the purpose of this amendment. The problem I have with this amendment is that, as I understand it, it says no funds may be spent to enforce a court decision.

If that is what this amendment says, and I just heard it briefly, then it is the wrong way to do it. We have to put in a bill. I am sure the Judiciary Committee will entertain, I assume would entertain it quickly, to clarify the law and say that that is not what the law is, and that what the gentleman seeks to do we ought to do legislatively.

But the idea of saying we will not permit funds to be used to carry out an order of a court destroys, undermines, and subverts the rule of law in this country. We cannot subvert the rule of law in this country by denying funds to carry out an order of the court.

If we don't agree with the order of the court, and I agree, I certainly don't agree with the order of the court in this case, it is terrible, we ought to change the law. That is why we have a Congress. That is our job. Let's change the law.

If the court interprets the law wrongly, as it has, in my opinion, along with the gentleman, we ought to put in a bill, change the law and clarify it. I think that bill would sail through here pretty quickly in all likelihood. That is the way to do it.

But to make an amendment to say no funds appropriated may be used to enforce the court order, what's next? A different court order that we dislike? That subverts the rule of law. It is the wrong way to go.

Mr. Chairman, I hope this amendment is not agreed to.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, I totally agree with the gentleman with regard to the appropriate forum to deal with this issue. We will count on the gentleman to move that and get it to the floor even before we get to conference so that it will be a good result.

Mr. FOSSELLA. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. FOSSELLA. Mr. Chairman, we are all on the same page as to the decision itself. The consequence of what we are trying to offer this amendment for is to delay the deportation that is already occurring in the second circuit.

Mr. Chairman, the gentleman from New York and I share the second circuit as members of the New York City delegation, but what we are trying to do is at least provide a stopgap measure. We know quite clearly that just 24 hours after this decision was reached, a young lady, and perhaps her whole family, will be sent back to China. We are looking for a consistent policy.

Mr. Chairman, I would be happy to work towards a legislative remedy, but until that time, we are trying to keep people here who want to seek and enjoy the American dream.

Mr. NADLER. Mr. Chairman, reclaiming my time, I will be happy to work with the gentleman and anyone else who will try to effectuate this policy. I would hope that the gentleman and others and I can address the administration and urge them for the next few weeks that it may take for the Congress to act, for the administration to withhold action, that they should not engage in deportations.

Now, I hope that comity with the administration would allow them to delay a little on enforcing. After all, the court didn't say, ''You must.'' The

court didn't say, ''You must deport these people.'' It said, ''You may deport these people.'' It is up to the administration to determine that.

So I would hope that the administration would delay for the few weeks it may take for Congress to show our will on this matter and that we don't agree with the court. But, again, I hope this amendment doesn't pass because it sets a terrible precedent. It may even be unconstitutional. I am not sure.

But clearly we don't want to start passing bills that say you can't enforce a court order, because once you start down that road, where do you end? But I certainly do anticipate working to make sure that nobody is deported under this. I hope the administration will delay that, and we can move legislation quickly on that.

The Acting CHAIRMAN. The question is on the amendment by the gentleman from New York (Mr. FOSSELLA).

The amendment was agreed to.

Mr. SHAYS. Mr. Chairman, I would like to renew my unanimous consent and say to my colleagues that I have spoken to the author of the amendment, and he agrees with it. My unanimous consent is that the adoption by voice vote of the amendment offered by the gentleman from Indiana (Mr. PENCE) be vacated, to the end that the Chair put the question de novo.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. PENCE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SHAYS. 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 Indiana will be postponed.

Mr. MOLLOHAN. Mr. Chairman, I move very slowly to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, we are awaiting the arrival of the unanimous consent, which has been a long time coming, and it is still slow in arriving. Once it gets here, it will facilitate and speed up our business for the day. It will allow us to, in an orderly fashion, finish our business on CJS, not as expeditiously as we would like. If he hadn't just arrived, I would have been asking my ranking minority member to get up and contribute to this.

Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MORAN of Virginia) having assumed the chair, Mr. HASTINGS of Florida, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

Mr. MOLLOHAN. Mr. Speaker, I ask unanimous consent that, during further consideration of H.R. 3093 in the Committee of the Whole pursuant to House Resolution 562, notwithstanding clause 11 of rule XVIII, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point in the reading by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

An amendment by Mr. PRICE of Georgia regarding funding for the Executive Office of Immigration Review;

An amendment by Mr. CAMPBELL of California reducing funds in the bill by 0.05 percent, which shall be debatable for 30 minutes;

An amendment by Mr. CAPUANO regarding funding for young witness assistance;

An amendment by Mr. CONAWAY regarding use of reductions made through amendment for deficit reduction;

An amendment by Mr. GARRETT of New Jersey limiting funds for attendance at international conferences;

An amendment by Mr. INSLEE regarding Federal law enforcement on tribal land;

An amendment by Ms. JACKSON-LEE of Texas regarding the early release of prisoners;

An amendment by Ms. JACKSON-LEE of Texas regarding transit workers' access to interoperable communications;

An amendment by Ms. JACKSON-LEE of Texas regarding the safety of the International Space Station;

An amendment by Mr. JORDAN of Ohio reducing funds in the bill by 3 percent, which shall be debatable for 30 minutes;

An amendment by Mr. MACK or Mr. FLAKE limiting funds for certain FBI letters unless certain reporting requirements are met;

An amendment by Mr. MCHENRY limiting funds to award a grant or contract on the basis of race, ethnicity or sex;

An amendment by Mrs. MUSGRAVE reducing funds in the bill by 0.5 percent, which shall be debatable for 30 minutes;

An amendment by Mr. OBEY regarding earmarks;

An amendment by Mr. PRICE of Georgia reducing funds in the bill, which shall be debatable for 30 minutes;

An amendment by Ms. LINDA T. SÁNCHEZ of California regarding the State Criminal Alien Assistance Program;

An amendment by Mr. TANCREDO or Mr. HUNTER limiting funds for the Security and Prosperity Partnership;

An amendment by Mr. UPTON, Ms. HARMAN, Mr. LIPINSKI, or Mr. INGLIS of South Carolina regarding use of Energy Star certified light bulbs;

An amendment by Mr. WELDON of Florida limiting Community Oriented Policing funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. WELDON of Florida or Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments acting in contravention of section 642 of the Illegal Immigration Reform and Immigrant Responsibility Act;

An amendment by Mr. KING of Iowa limiting State Criminal Alien Assistance Funds for State and local governments unless certain reporting requirements are met;

An amendment by Mr. KING of Iowa regarding a study of aliens in prison;

An amendment by Mr. KING of Iowa limiting funds to employ workers described in section 274A of the Immigration and Nationality Act;

An amendment by Mr. KING of Iowa limiting funds for the Institute for Scientific Research, the West Virginia High Tech Consortium Foundation, the Vandalia Heritage Foundation, the MountainMade Foundation; or the Canaan Valley Institute; and

An amendment or amendments by Mr. MOLLOHAN regarding funding levels.

Each such amendment may be offered only by the Member named in this request or a designee, shall be considered as read, shall not be subject to amendment except that the chairman and ranking minority member of the Committee on Appropriations and the Subcommittee on Commerce, Justice, Science, and Related Agencies each may offer one pro forma amendment for the purpose of debate; and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

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

There was no objection.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The SPEAKER pro tempore. Pursuant to House Resolution 562 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. 3093.

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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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, with Mr. HASTINGS of Florida (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, the bill had been read through page 85, line 24.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except those specified in the previous order of the House of today, which is at the desk.

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Of the funds appropriated in this Act for the Department of Justice, not more than $50,000,000 shall be available for the Attorney General, after consultation with Indian tribes pursuant to Executive Order 13175, to appoint attorneys to assist United States Attorneys when the public interest so requires, as authorized by sections 542 and 543 of title 28, United States Code, to litigate cases involving the enforcement of Federal law on Tribal lands, including domestic violence, dating violence, sexual assault, and stalking, and to allow reimbursement out of existing Federal funds, if available, to compensate appointees whenever such appointments facilitate the efficient, thorough enforcement of Federal law on Tribal lands.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I rise to offer an amendment to ensure that the U.S. Attorney General appoints attorneys to assist in enforcing Federal law when it comes to public interest as outlined in 28 U.S.C. 542 and 28 U.S.C. 543. It is in the public's interest to prosecute crimes committed against Native women, including domestic violence, sexual assault, stalking and dating violence. As they take on this task, I also urge them to consult with tribes as practiced and required under Executive Order 13175.

As we know, there are 4 million American Indian and Alaska Native people throughout the United States, and jurisdictional questions today are preventing the enforcement of Federal laws. Indian women suffer 2½ times more domestic violence and 3½ times more sexual assaults than the rest of the American population. An Amnesty International report showed that 86 percent of these crimes are committed by non-Indian men, and the law prevents Tribal courts from prosecuting them.

As a former prosecutor, I was shocked that the majority of criminals go unpunished. Justice Department data compiled by Syracuse University showed that in two decades, only 30 percent of tribal land crimes referred to U.S. Attorneys were ever prosecuted. I would like to see U.S. Attorneys consult with the tribes and work to enforce Federal law, especially when it comes to crimes of domestic violence, stalking and sexual assault. And ensuring that U.S. Attorneys appoint special attorneys to assist in prosecuting these Federal laws is imperative.

I will include for the RECORD information from a Wall Street Journal article entitled, ''Tattered Justice on U.S. Indian Reservations, Criminals Slip Through Gaps.'' It is time we close those gaps, and I urge U.S. Attorneys to act with dispatch in this regard.

[From the Wall Street Journal, June 12, 2007]

ON U.S. INDIAN RESERVATIONS, CRIMINALS SLIP THROUGH GAPS

(By Gary Fields)

CHEROKEE, N.C.—Jon Nathaniel Crowe, an American Indian, had a long-documented history of fighting with police officers and assaulting women. But the tribal court for the Eastern Band of the Cherokee, under whose jurisdiction he lives, couldn't sentence him to more than one year for any charge. Not when he left telephone messages threatening to kill an ex-girlfriend, not when he poured kerosene into his wife's mouth, not when he hit her with an ax handle.

''We put him away twice for a year, that's all we could do,'' says James Kilbourne, prosecutor for the tribe. ''Then he got out and committed the same crime again.''

Indian tribes are officially sovereign nations within the U.S., responsible for running services such as schools and courts. But a tangle of federal laws and judicial precedents has undermined much of their legal authority. As a result, seeking justice on Indian reservations is an uneven affair.

Tribes operate their own court systems, with their own judges and prosecutors. Sharply limited in their sentencing powers, they are permitted to mete out maximum jail time of only 12 months for any crime, no matter how severe. The law also forbids tribal courts to prosecute non-Indians, even those living on tribal land.

Federal prosecutors can intervene in serious cases, but often don't, citing the long distances involved, lack of resources and the cost of hauling witnesses and defendants to federal court. In the past two decades, only 30% of tribal-land crimes referred to U.S. attorneys were prosecuted, according to Justice Department data compiled by Syracuse University. That compares with 56% for all other cases. The result: Many criminals go unpunished, or minimally so. And their victims remain largely invisible to the court system.

The justice gap is particularly acute in domestic-violence cases. American Indians annually experience seven sexual assaults per 1,000 residents, compared with three per 1,000 among African-Americans and two per 1,000 among whites, says the Justice Department. The acts are often committed by non-Indians living on tribal land whom tribal officials cannot touch. Local prosecutors say members of Indian communities have such low expectations about securing a prosecution that they often don't bother filing a report.

''Where else do you ask: How bad is the crime, what color are the victims and what color are the defendants?'' asks Mr. Kilbourne, who has prosecuted cases on Cherokee lands since 2001. ''We would not allow this anywhere else except Indian country.''

The lack of prosecutorial discretion is one of many ways in which Indian justice has been split off from mainstream American due process. For example, some defendants appearing before Indian courts lack legal counsel, because federal law doesn't require tribes to provide them with a public defender. Although some tribes have them, others can't afford to offer their members legal assistance. It's not unusual for defendants to represent themselves.

The Indian Civil Rights Act, passed by Congress in 1968, limited to six months the sentences tribes could hand down on any charge. At the time, tribal courts were seeing only minor infractions. Congress increased the maximum prison sentence to one-year in 1986, wrongly assuming that the Indian courts would continue to handle only misdemeanor-level crimes. Tribal offenses, meanwhile, escalated in both number and severity, with rape, murder and kidnapping among the cases.

The Supreme Court weighed in on another level, with its 1978 Oliphant decision ruling that tribes couldn't try non-Indian defendants in tribal courts—even if they had committed a crime against a tribe member on the tribe's land. In its ruling, the court held that it was assumed from the earliest treaties that the tribes did not have jurisdiction over non-Indians.

''If you go to Canada and rob someone, you will be tried by Canadian authorities. That's sovereignty,'' says University of Michigan law professor and tribal criminal-justice expert Gavin Clarkson. ''My position is that tribes should have criminal jurisdiction over anybody who commits a crime in their territory. The Supreme Court screwed it all up and Congress has never fixed it.''

Jeff Davis, an assistant U.S. Attorney in Michigan who handles tribal-land cases, acknowledges that his hands are often tied. Mr. Davis is also a member of North Dakota's Turtle Mountain Band of Chippewa. ''I've been in the U.S. Attorney's office for 12 years, and both presidents I have served under have made violent crime in Indian country a priority. But because of the jurisdictional issue and questions over who has authority and who gets to prosecute, it is a difficult situation.''

Often cases don't rise to the level of felony federal crimes unless the victim has suffered a severe injury. Federal prosecutors have limited resources and focus almost exclusively on the most serious cases.

Compounding that is the fact that domestic-abuse cases are difficult to prove, especially if the lone witness recants.

''It requires stitches, almost a dead body,'' says Mr. Davis. ''It is a high standard to meet.''

For some non-Indians, tribal lands are virtual havens. Chane Coomes, a 43-year-old white man, grew up on the Pine Ridge Reservation in South Dakota—home to the Oglala Lakota, near the site of the infamous 1890 massacre at Wounded Knee. Marked by a small obelisk, the mass grave is a symbol of unpunished violence, literally buried in the soil of the tribe. The 2000 census documented Shannon County, which encompasses the remote and desolate reservation, as the second-poorest county in the U.S., with an annual per-capita income of $6,286 at the time. Only Buffalo County, S.D., was poorer.

According to local authorities, Mr. Coomes used his home on the reservation as a sanctuary, knowing he would be free from the attentions of tribal prosecutors.

Tribal Police Chief James Twiss says Mr. Coomes was suspected of dealing in small amounts of methamphetamine for years. Tribal police also thought he might be trafficking in stolen goods.

In 1998, Mr. Coomes assaulted a tribal elder, Woodrow Respects Nothing, a 74–year-old decorated World War II and Korean War veteran. Because it couldn't prosecute, the tribe ordered Mr. Coomes off its land. But attempts to remove him were unenforceable.

''All I could do was to escort him off the reservation,'' says tribal police officer Eugenio White Hawk, who did that several times, the last when he spotted the banned man hauling horses in a trailer. ''He kept coming back. After a while I just left him alone and let it go. It was just a waste of time.''

Mr. Coomes remained in his Shannon County home until 2006 when he was accused of beating his estranged wife in nearby Nebraska and threatening to kill her, according to Dawes County District Attorney Vance Haug. The crime was committed off the reservation, and the subsequent investigation gave state authorities official jurisdiction.

After raiding his home, they found stolen equipment as well as 30 grams of methamphetamine and $13,000 hidden in the bathroom, along with syringes.

Mr. Coomes is now in the Fall River County Jail charged with possession of stolen property, grand theft and unauthorized possession of a controlled substance. He also faces separate charges, of assault and ''terroristic threats'' related to his wife, in Dawes County, Neb. If convicted on the latter charges, he faces up to six years in prison, Mr. Haug said. Mr. Coomes's attorney declined to comment.

The jurisdictional quagmire also has implications for Indian members on the other side of the tribal border. Gene New Holy, an ambulance driver on Pine Ridge, had been arrested by the tribe more than a dozen times for various drunk-driving offenses, for which he received only two convictions totaling about a month in a tribal jail. In state court, four convictions would have led to a maximum sentence of five years.

Lance Russell, the state prosecutor for Shannon County and neighboring Fall River County, had never heard of Mr. New Holy until Feb. 11, 2001, when Mr. New Holy got drunk at a Fall River County bar. According to court documents, he nearly hit one car on a main highway, forced two others into a ditch and sideswiped a third that had pulled off the road as Mr. New Holy approached it in the wrong lane.

The last car he hit contained three tribe members—cousins Bart Mardinian, Anthony Mousseau and Russell Merrival— all of whom died. The accident was less than a mile off the reservation, enough to give Mr. Russell and the state jurisdiction in the case. Mr. New Holy is serving 45 years in state prison for three counts of vehicular homicide—much longer than the 12 months per count he would have served under tribal law. His attorney didn't return a call seeking comment.

''The holes in the system are more practical than legal, and the victims of crime pay the price,'' says Larry Long III, the South Dakota attorney general. ''The crooks and the knotheads win.''

The Eastern Band of Cherokee, located in the Smoky Mountains of North Carolina, is one of the most efficiently run tribes in the country. Its ancestors hid in these mountains while Cherokee east of the Mississippi River were forcibly moved to present-day Oklahoma, a migration known as the ''Trail of Tears.'' Today the tribe is spread across five counties and is economically well off: It takes in more than $200 million annually from the Harrah's Cherokee Casino & Hotel, which it owns, and has a robust tourist industry. About half of the tribe's gambling spoils go to pay for infrastructure and government services.

Its court, which is housed in a prefabricated building, looks like any other in the U.S., except the judges wear bright, red robes. The offices, while cramped, are modern and computerized, and are a little over one hour's drive from the federal prosecutor's office in Asheville. Tribal authorities meet regularly with federal prosecutors for training. The tribe's top jurist is a former federal prosecutor who has regular contact with his successors.

Yet even here, the justice system works erratically. In 2005, tribal police received a tip that James Hornbuckle, 46, an Oklahoma Cherokee who had moved to the reservation, was dealing marijuana. Officers built a case for weeks. They raided the business and then Mr. Hornbuckle's home, where they found 10 kilograms of marijuana, packaged in small bricks. By tribe standards, it was a big haul, and authorities approached the U.S. Attorney's office.

Gretchen Shappert, U.S. Attorney for the Western District of North Carolina, says federal sentencing guidelines for marijuana are so lenient, that ''we'd need 50 kilograms in a typical federal case'' to pursue it. The feds rejected the case.

If the state court had jurisdiction to prosecute the crime, Mr. Hornbuckle might have received a three-year term. Instead, he pleaded guilty to the marijuana charge and was sentenced to one year in tribal court. Recently the tribal council voted to permanently ban him from the reservation, with backing from the feds. Messages left for Mr. Hornbuckle's attorney weren't returned.

Mr. Crowe's name is all too familiar on the reservation. Tribal Police Chief Benjamin Reed has known him since he was a juvenile. ''What I remember is his domestic-violence incidents. He just wouldn't stop,'' Mr. Reed says.

Crystal Hicks, who dated Mr. Crowe before his marriage, says the tribal member was verbally abusive. She says she left him after she had a miscarriage, when he berated her for not giving him a ride to a motorcycle gathering. ''He said I was using the miscarriage as an excuse,'' says Ms. Hicks, 27 years old.

After that, in several telephone messages saved by Ms. Hicks and her family, Mr. Crowe threatened to kill them and bury Ms. Hicks in her backyard. He was jailed by the tribe and ordered to stay away from the Hicks family.

''One year,'' says Ms. Hicks. ''He even told me he was fine in jail. He got fed three times a day, had a place to sleep and he wasn't going to be there long.''

After he married, the violence escalated, says Police Chief Reed. During one incident he drove to the home Mr. Crowe shared with his wife, Vicki. ''He had threatened her, and dug a grave, and said no one would ever find her. We believed him,'' Mr. Reed said. ''Just look at some of the stuff he'd done. That girl was constantly coming down here, her face swollen up.'' At one point, he choked his wife, poured kerosene into her mouth and threatened to light it, police reports say. Mr. Crowe's attorney didn't return calls seeking comment.

None of these acts led to more than one year in jail, a sentence he has been given twice since 2001. His criminal file at the tribal court building fills a dozen manila folders. There are reports of trespassing and assault convictions, telephone harassment, threats and weapons assaults—one for an incident when he hit his wife with an ax handle, breaking her wrist. His latest arrest, in September, came about a week after he finished his most recent sentence, when he came home and beat his now-estranged wife—again.

After seven years, his crimes finally triggered federal involvement, although almost by accident. Federal prosecutors from around the country met at Cherokee earlier this year to discuss crime on tribal land. One federal official mentioned to Mr. Kilbourne, the tribal prosecutor, a new statute that allows federal intervention where defendants have at least two domestic-violence convictions, regardless of the crime's seriousness.

Mr. Kilbourne, who was preparing for a new trial against Mr. Crowe the following week, quickly turned the case over. Mr. Crowe pleaded guilty to assault last Friday and is awaiting sentencing.

CORRECTIONS AND AMPLIFICATIONS

The attorney for James Hornbuckle, a Cherokee who was cited in this article, couldn't be reached for comment. This article incorrectly says his attorney didn't return calls seeking comment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. MACK

Mr. MACK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACK:

At the end of the bill, before the short title, insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available by this Act may be used to carry out the composition and delivery of exigent circumstance letters, that indicate that a grand jury subpoena is forthcoming where none has been convened or where there is no reasonable likelihood that one will be convened, to United States citizens, businesses, banks, firms or any other entity that retains personal identity information about citizens.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Florida (Mr. MACK) and a Member opposed each will control 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order.

The Acting CHAIRMAN. A point of order is reserved.

The Chair recognizes the gentleman from Florida.

Mr. MACK. Mr. Chairman, a wise man said, ''Freedom is the core of all human progress.'' It is my belief that he is right.

Since coming to Congress, I have often been an advocate of oversight. My colleague from Arizona routinely comes to this floor urging us to make oversight a larger part of the congressional process, and I agree with him. It is an area where we all need to pay more attention.

Unfortunately, when we turn our attention away, it is often at the expense of our own liberty and freedom. This amendment seeks to spotlight a particular area of concern, the so-called exigent circumstances letters sent out from the FBI to obtain highly sensitive information.

While I support using the proper tools to keep our Nation safe, particularly in the war on terror, these letters seem to fall well short of constitutional checks and balances. My colleagues and I fear that innocent citizens are being netted in the process.

But, Mr. Chairman, how are we to know that? The very limited justification that comes from the Department of Justice stands on shaky ground. The rest of the time they hide behind national security as a reason for not telling us more. While I am pleased the FBI is taking internal steps to clarify the scope and use of these letters, I believe we should raise the process up by codifying it to ensure there are no questions that civil liberties are not being violated and the information that is coming from these searches is not being used for wrongful purposes.

Thankfully, article I of the Constitution says we are a coequal branch of government charged with cooperation and oversight of these types of activities. Mr. Chairman, when it comes to our freedom, we all need to be diligent. We all need to exercise care and we all need to be cautious of government. Though it often seeks to protect us, it always ends up capturing more of our precious liberties.

Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding.

In 2005, while on the House Judiciary Committee, I, along with some others, offered a series of reforms to the process of issuing national security letters. These reforms came about during the reauthorization of the PATRIOT Act. These reforms didn't go as far as I would have liked, but we took the administration at their word when they said that civil liberties would not be violated.

During the reauthorization process, I and others were told by administration officials that the reforms we sought were not needed, that the Department of Justice and FBI would never do the hypothetical worst-case scenario that some of my colleagues and I worried about.

After a long investigation by the Inspector General of the Department of Justice, I can regrettably say many of the worst-case scenarios actually came about and that our hypotheticals were not so farfetched.

The FBI has abused its power both in terms of National Security Letters and exigent letters. In the case of exigent letters, it appears the FBI repeatedly asserted exigent circumstances where none existed in order to obtain telephone records. The Inspector General's probe also concluded that there sometimes was no open nor pending national security investigation tied to the request. This directly contradicts the requirements of U.S. law. Letters went out stating that a grand jury subpoena was forthcoming when none was forthcoming.

The Inspector General's report was just a small sampling of the use of these letters, and we have not been given a larger picture yet. I want to commend the gentleman from Florida for bringing this forward. He has worked hard on this issue, and we are not speaking anymore in hypotheticals. We have seen abuses. They have been documented. This is very important, and I commend him for bringing this forward, and I join him in his effort.

Mr. MACK. Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. KENNEDY. Mr. Chairman, I rise to say that I think this is absolutely a justified effort to bring to light something that I think all of the American people deserve, and that is to understand truly what is going on at the Department of Justice insofar as the use of these letters.

Unfortunately, this is legislating on an appropriations bill. I do hope that in the course of this session we will bring up legislation that will get at the PATRIOT Act so that we can bring to light how far the Justice Department has gone in overriding the initial intent of the PATRIOT Act and overriding the sense of Congress in terms of the abuse of issuance of both National Security Letters and exigency letters. For that reason, I think the intent of this is very well placed.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. SCHIFF) for whom this is a very important issue.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding. I thank Mr. MACK for his strong work on this issue and his protection of civil liberties in this regard and many others.

Most disturbingly, from my view, from the Inspector General's report was the fact that the FBI issued at least 739 exigent letters to obtain telephone toll records in violation of internal Justice Department guidelines.

These exigent letters are used in emergency situations when an attack can be imminent and information is required immediately. They said things like this: ''Due to exigent circumstances, it is requested the records for the attached list of phone numbers be provided. Subpoenas requesting this information have been submitted to the U.S. Attorney's Office, who will process and serve them as expeditiously as possible.''

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The problem with these letters, in at least 739 cases there was no grand jury meeting. There were no subpoenas requested, and none would ever be delivered. And so here you have the prospect of the FBI going out to a phone company or other provider and saying, this is an emergency, we need this information, subpoenas to be forthcoming, and none were.

Now, as a telephone company, you get the FBI knocking on your door asking for records, saying, this is an emergency, someone's life may be at risk, we may be at risk of an attack, you're going to want to comply. And then after the fact, after the FBI discovered that it had issued all these letters erroneously, unlawfully, it then issues an NSL, National Security Letter, asking for the information that was provided for in these exigent letters, basically to cover up, to try to give a patina of legality over an illegal practice.

This is deeply disturbing, and my friend's amendment, that I was pleased to join him in cosponsoring, would prohibit the expenditure of funds on these exigent letters when the claim is made that a grand jury subpoena is forthcoming when there's no grand jury even impaneled on the issue.

We need to put a stop to this practice. I very much appreciate my colleague raising this issue. I'm proud to support it.

Mr. KENNEDY. Reclaiming my time, Mr. Chairman, I think that this issue is an issue of due process. This country was founded on the basis of due process and on law, and that is why this strikes at the very heart of our system of government and why this is such an important issue to be raised.

And for that reason, I think that while this is a point of order, I do believe this is going to be an issue for this Congress to address in the course of this session. I commend the gentleman from Florida for raising it.

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

Mr. MACK. Mr. Chairman, I would like to thank my colleagues as well. I think this demonstrates that there is bipartisan support on this issue, and at the heart of this is to preserve and protect the citizens of this country's freedoms and liberties.

So I want to thank again my colleagues and the staff on both sides for working this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

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 offered by Ms. JACKSON-LEE of Texas:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amounts otherwise provided in this Act are revised by reducing the amount made available for the ''DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance'' and by increasing the amount made available for the ''DEPARTMENT OF JUSTICE—Office of Justice Programs—state and local law enforcement assistance4'' by $10,000,000 and $10,000,000, respectively.

The Acting CHAIRMAN. Pursuant to the order of the House of today, 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 thank the distinguished chair.

Let me first of all, as I bring my amendment to the attention of my colleagues, thank the chairman of the subcommittee Mr. MOLLOHAN, and the ranking member of the subcommittee Mr. FRELINGHUYSEN, for your leadership on a number of these issues of which I will discuss today.

Let me, first of all, acknowledge the Department of Justice funding, particularly the State and local law enforcement and crime prevention grants and the COPS program, of which many of us have supported for an extensive period of time.

I rose to the floor of the House yesterday and indicated that I believe that the father of community-oriented policing was both the mayor and chief of police in my city of Houston, Lee P. Brown, who served as the chief of police in New York and Atlanta.

I rise today to emphasize for my colleagues the importance of providing resources to public safety officers so that they can provide the service to the community in this increasing period of rising crime statistics, and let me share with you the vastness of the public safety officers' responsibility.

What I want to suggest in this amendment is that public safety officers are needed in schools. They're needed on the highways. They're needed in our neighborhoods. They're needed on our buses and our trains. Many times incidences will occur on our trains and buses with citizens who are using those facilities, and the quick response of public safety officers can lead to the saving of lives. That is why it is important for them to have appropriate commitment and the appropriate equipment.

Let me cite in my own community, which we're seeing statistically across the Nation, having just heard the FBI report that says crime statistics are increasing all over America, not only in the urban centers like Houston, which is the fourth largest city in the Nation, but it is also increasing in our rural hamlets and villages and farmlands. We have a crisis in crime. Part of it has been because we have not provided, I think, the extra resources that we see in this bill.

But let me just cite for you why people traveling on transportation need the quick access of a public safety officer. One article says, a second metro bus driver attacked. Two men attacked a metro bus driver Tuesday after they argued with her about a fare. That means all of those riding the bus were in jeopardy. A quick response by a public safety officer was clearly a need.

And so my amendment is simple. It provides for the reemphasis of the need of this equipment, whether they are walkie-talkies and others, to ensure that we have safety, and as well to ensure that these dollars are used effectively for safety in our community.

I'd ask my colleagues to support this amendment.

Thank you, Mr. Chairman, for allowing me to explain my amendment to H.R. 3093. My amendment is simple. It seeks to assist public safety officials in the United States in communicating with one another across jurisdictions and disciplines, to enhance the public's safety and prevent unnecessary loss of lives and property.

My amendment recognizes immense importance of hand-held communication devices to the transit workers and other public officials who play a key role in responding to disasters and terrorist attacks. It seeks to ensure that they may be provided with fully interoperable equipment, maximizing their effectiveness and working to ensure their safety as they work to protect our communities.

Throughout the United States, public safety agencies—law enforcement, fire fighters, emergency technicians, public health officials, and others—often cannot communicate effectively with one another, even within the same jurisdiction, or with other public safety agencies at the Federal, State, or local level, when responding to emergencies.

As a senior Member of the Committee on Homeland Security, I have worked tirelessly to ensure that our communities' first responders are equipped with the best possible equipment, including communication devices that allow them to effectively communicate with each other and with their Federal counterparts across jurisdictions and disciplines. Interoperable communications would allow our Nation's first responders to communicate in real time, in the event of an emergency.

Mr. Chairman, the lack of sufficient hand-held communications devises may have contributed to the deaths of 343 firefighters in New York City on September 11, 2001, when police could not communicate effectively with firefighters prior to the collapse of the Twin Towers. Similarly, the lack of adequate equipment exacerbated the difficulties in evacuating people during hurricane Katrina, where many could have been saved if effective communications equipments were available not only to safety workers but to transit authorities and others in a collective effort to save the lives of those who were stranded and injured that tragic day.

Recent national catastrophes, including the terrorist attacks of September 11th and Hurricanes Katrina and Rita, clearly illustrate the need to ensure that safety responders have interoperable communications systems. Emergency response systems must be able to function under extreme and unpredictable conditions. We can learn from our past that when those responding to emergencies cannot communicate effectively, the danger to public safety officials and the public increases.

The Department of Homeland Security has recognized the importance of providing effective and real-time communication capabilities. Secretary Chertoff stated in November 2006 his intention to make sure that major cities ''have interoperable communications in effect by the end of this coming year.'' Interoperable communications provide tangible benefits to places like my home City of Houston, with its 5.3 million residents and concentration of critical infrastructure.

Mr. Chairman, my amendment simply aims to ensure that high risk areas, like Houston, have sufficient communications devices to enable our Nation's first responders and transit workers to communicate in real time, in the event of an emergency.

I urge my colleagues to support this amendment.

[From the Houston Chronicle]

SECOND METRO BUS DRIVER ATTACKED

(By Lindsay Wise)

Two men attacked a Metro bus driver Tuesday after they argued with her about the fare, making it the second attack this week of a female driver.

The men, who appeared to be inebriated, got into a dispute with the driver over fares and threatened her, said Metro spokeswoman Raequel Roberts. The men initially retreated into the bus, but about 10 minutes later, they returned to the front and punched her, Roberts said.

The driver was taken to Memorial Southwest hospital, where she was treated for a cut on her nose, Roberts said.

Some passengers on the bus took pictures of the two men with their cell phones, and Metro police are now looking for the suspects, Roberts said.

The assault took place on the same bus route and in the same area as the reported robbery and sexual assault of a Metro bus driver early Sunday.

In that case, a man boarded a Metro bus on Hillcroft at Bellaire and remained on board for several miles, waiting for the last passenger to exit before dragging the driver to the back of the bus and assaulting her at gunpoint, Metro officials said.

According to statistics provided by Metro, 28 violent crimes—ranging from robberies to aggravated assaults—occurred so far this year on their buses. Last year, 50 violent crimes were reported on Metro buses, up from 38 in 2005.

Roberts said Metro has increased security patrols in the area as they search for the attackers.

''We've been out there with officers in force,'' she said.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we commend the gentlewoman for bringing this to the attention of us, and we have no objection to the amendment.

Ms. JACKSON-LEE of Texas. Reclaiming my time, I'd like to thank the distinguished gentleman and the ranking member.

And let me just say to all those individuals impacted by crime, particularly these bus drivers that I'm speaking of today, help is on the way.

I ask for support of 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 OFFERED BY MS. JACKSON-LEE OF TEXAS

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 offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. The amount otherwise provided in this Act for ''Department of Justice'' is hereby decreased by $10,000,000 and increased by $10,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, 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, let me also thank the chairman and ranking member for their infusion of dollars in the Federal prison system, $179 million above 2007.

There needs to be an infusion of funding because we have an overcrowded system in the Federal Bureau of Prisons. We, as the authorizing committee, the Committee on the Judiciary, have heard repeatedly of the concerns of both the management of the Federal Bureau of Prisons, but also the inmates. I have visited institutions in my own area. I've seen the overcrowding. I've seen the conditions and paid attention to some of the elements that we could improve.

Many may hear this debate and suggest that incarcerated persons should be treated in a certain way. This is a very simple amendment. It asks for a study to look at the possibilities of early release for nonviolent prisoners who are over the age of 45.

How does that help our community? One, it sends individuals back home to their families to provide resources. We know that we are watching a second chance bill make its way through this Congress. We hope that it will move quickly. Many of these offenders are middle age. Many of them are sick. This costs a great deal for the Federal Bureau of Prisons.

It is noted that 1.1 million nonviolent offenders are currently locked up. Many of them are African Americans, and in the 1930s, 75 percent of the people entering State and Federal prison were of the majority population. That is not the case now.

So it's a simple premise. It has been adopted in the authorization bill. It asks the hard question, why are we incarcerating for decades and decades nonviolent individuals who pay their debt to society, when they could come out and provide the comfort and nurturing and financial support to their own families and also address the question of Federal prison overcrowding?

I'd ask my colleagues to support it.

Thank you, Mr. Chairman for this opportunity to explain my amendment. My amendment provides for the early release for nonviolent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

My amendment seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A secondary benefit of my amendment is that it would relieve some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Mr. Chairman, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, non-violent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's Les Miserables, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the American value that no nonviolent offender is beyond redemption.

Mr. Chairman, the number of federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from $330 million to $4.6 billion since 2004.

At a time when tight budgets have forced many states to consider the early release of hundreds of inmates to conserve tax revenue and when our nation's Social Security system is in danger of being totally privatized, early release is a common-sense option to raise capital.

The rate of incarceration and the length of sentence for first-time, non-violent offenders have become extreme. Over the past two decades, no area of state government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with states like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in states of Alaska, North Dakota, and Wyoming combined.

Over one million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents five times the number of people held in India's entire prison system, even though its population is four times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75% of the people entering state and federal prison were white (roughly reflecting the demographics of the nation). Today, minority communities represent 70% of all new admissions—and more than half of all Americans behind bars.

This is why for the last several years I have introduced the Federal Prison Bureau Nonviolent Offender Relief Act. The bill I introduced earlier this year, H.R. 261, forms the basis for the present amendment.

Over 2 million offenders are incarcerated in the nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that this amendment will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138, and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

As I stated at the outset, my amendment will ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. My amendment will also relieve the some of the strain on federal, state, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

For these reasons, I ask that all members to support my amendment.

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have no objection to the amendment. The gentlelady's insights into this issue are clear. The committee actually welcomes the thought, the amendment, and we accept the amendment.

Ms. JACKSON-LEE of Texas. Let me thank the distinguished chairman, and I ask my colleagues to support this amendment. This will go a long way to this very strong and harsh question of Federal prison overcrowding and how

we use our resources for nonviolent prisoners.

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 OFFERED BY MS. JACKSON-LEE OF TEXAS

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 offered by Ms. JACKSON-LEE of Texas:

At the end of bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used in violation of Subtitle A of Title VIII (International Space Station Independent Safety Taskforce) of the NASA Authorization Act of 2005 (Public Law No. 109–155).

The Acting CHAIRMAN. Pursuant to the order of the House of today, 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, let me thank the Chair, and again, I thank the chairman and ranking member of this subcommittee. Let me also add my appreciation to the appropriators and the chair and ranking member of the full committee.

Mr. Chairman, I also want to acknowledge the hard work of the Science Committee. I had the pleasure of serving on that committee for almost 12 years. My issue there was the question of safety during the tenure that I was in that role or a member of that committee. Of course, we had the backdrop of *Challenger* and then *Columbia*.

Safety is a crucial component to the continued support of Americans of the international space station and America's space program. When I have an annual Christmas party in Houston, the most popular visitor is not Santa Claus. For children, it is the astronauts, and I rise today to offer an amendment that will reinforce the importance of safety in the NASA program.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the space shuttle *Atlantis* and the international space station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

The amendment, Mr. Chairman, that I offer refers to the National Aeronautics and Space Administration Authorization Act signed into law by President Bush, which provided for the establishment of an International Space Station Independent Safety Commission, that I authored, to discover and assess any vulnerabilities of the international space station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

We will launch on August 7. That launch will head to the international space station. People will be on that international space station, which is the ultimate goal, that scientists will find the place in space to be able to do the research that will carry America forward.

That safety task force provided valuable observations on the strengths and weaknesses of the international space station safety systems. It went on to say that we should have strong congressional support for the space shuttle and international space station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks, then we must have a Congress that reinforces safety for NASA.

□ 1315

We shouldn't have the individual there who is afraid to speak up. We should have whistleblower protection. And we should have a director who cares about safety and does not reject Congress' interest in safety.

I hope that we will keep our eye on this international space station commission on safety, even though its report is in, to ensure that the individuals we sent on the space shuttle, the work that we are doing on space has the element of safety to save lives and create the opportunity for men and women to live and work in space.

I ask my colleagues to support this amendment as we support NASA and my appreciation for the funding that is in this bill for NASA and aeronautics and research and ask my colleagues that NASA should equate to safety, NASA should equate to science. That is an important aspect.

Mr. Chairman, I rise today in strong support of this amendment. It states that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the NASA Authorization Act of 2005 (Public Law No. 109–155), particularly those regarding the International Space Station Independent Safety Commission.

Space exploration remains a part of our national destiny. After the *Columbia* disaster, NASA stands at a pivotal moment in its history. It is the responsibility of this Congress to ensure that the future of NASA is one of continued progress. I have long been an advocate of space exploration, and I have steadfastly emphasized that while safety must be the number one priority of NASA, this should not deter us from pushing the boundaries of technology and discovery.

In June of this year, we saw the Space Shuttle *Atlantis* and the International Space Station both experience serious safety scares. The shuttle's mission had to be extended following the discovery of a rip in the shuttle's thermal blanket, while the space station experienced the failure of a Russian-operated computer system controlling a crucial portion of the station's navigational system. These recent incidents clearly indicate the need for improved safety standards and oversight. Space exploration must be coupled with satisfactory safety assurances.

Mr. Chairman, the National Aeronautics and Space Administration Authorization Act of 2005, signed into law by President Bush, provided for the establishment of an International Space Station Independent Safety Commission, to discover and assess any vulnerabilities of the International Space Station that could lead to its destruction, compromise the health of its crew, or necessitate its premature abandonment.

This congressionally mandated International Space Station Independent Safety Task Force offered its recommendations in the form of a final report, which was submitted to NASA and the United States Congress in February of 2007. This report offered a number of valuable observations on the strengths and weaknesses of the International Space Station's safety systems, and it went on to make several important recommendations. The report called for strong congressional support for Space Shuttle and International Space Station, as well as a number of specific technical recommendations, such as increased attention to orbital debris and ensuring that all personnel and managers have the necessary skills and experience.

If these recommendations are to be successful in identifying and mitigating future risks to the International Space Station, Congress, together with the Administration, must firmly reaffirm its commitment to pursuing safety as a top priority. My amendment speaks to this clear need to emphasize the importance of safety standards by ensuring that none of the funds made available in this Act may be used to limit the safety provisions enumerated in the recent NASA Authorization Act.

We must continue to work to ensure that adequate safety standards apply to all NASA endeavors, and particularly to manned space exploration. As I previously stated, I am a strong supporter of the International Space Station, and I hope that we can move forward with its mission. However, our mission for discovery can not be done in haste; instead we must ensure that all steps have been taken to minimize the risk to astronauts onboard.

I hope that my colleagues will join me in supporting this important amendment.

U.S. AND RUSSIA VIEW SPACE STATION SAFETY DIFFERENTLY

(By Mike Schnelder)

CAPE CANAVERAL, FL.—It was just four high-energy batteries, the kind that are found in a lot of military equipment such as walkie-talkie sets and night vision equipment. Similar batteries already were being used on the International Space Station.

But when NASA officials discovered last year that Russian space officials were allowing the four batteries on-board the space station without the proper testing, they objected strenuously. The batteries could be toxic and had a small potential to explode. The Russians went ahead anyway.

Nothing ever happened. But the friction caused by the batteries underscores the divide between the now hyper-safety-conscious Americans and what the Russians describe as their ''more flexible'' approach.

It's a different philosophy, explains Shirley McCarty, former head of NASA's safely advisory board: In the U.S. program you must prove it is safe. The Russian approach is ''prove it's not safe.''

After the Columbia space shuttle disaster, safety is getting even more attention by the U.S. Space program,

Tensions over the two countries' approaches are being played out in Houston and Moscow as both programs debate whether to allow a spacewalk by the current space station crew of just two men—astronaut Michael Foale and cosmonaut Alexander Kaleri. A spacewalk would leave the space station temporily empty. Previous spacewalks at the international space station have depended on a third crew member inside.

The Russians, however, are comfortable with the risk and carried out spacewalks on their Mir space station with just a two-man crew. They are pushing for a spacewalk in late February to do minor work involving payloads and preparatory work for a new type or cargo ship.

The Russians consider themselves less rigid and more inventive than the Americans, who tend to follow every letter in the technical manuals, said Sergei Gorbunov, a spokesmen for the Russian Space Agency.

''Here in Russia, we are more flexible in our approach to technical problems,'' Garbunov said. ''The Americans are more conservative in dealing with technical problems, but this isn't a fault.''

It may not be a fault but the different approaches contribute to communications problems that could lead to dangerous situations, NASA's safety advisory board warned in a report last year.

''They share safety concerns,'' Michael Suffredini, the station's operations and integration manager for NASA, said last week of the Russians. ''Sometimes we have a different view.''

Jerry Linenger, a former astronaut who lived aboard Russia's Mir in 1997, said there has to be a ''happy medium'' between the two approaches.

''The Russians are probably on one side of the balance, and the Americans are probably too much on the other side,'' Linenger said.

During Linenger's stay on Mir, the Russian space station suffered the most severe fire ever aboard an orbiting spacecraft, a near collision with a cargo ship, failures of onboard system including an oxygen generator, loss of electrical power and an uncontrolled tumble through space.

The current space station crew also is experienced with close calls. Foale was on Mir when it collided with a cargo ship. Kaleri was on Mir along with Linenger when the fire broke out.

The differences between the Russian and U.S. approaches to safety are as much from cultural as economic factors, said Linenger.

Russian industry, for instance, doesn't have the commitment to worker safety that the United States has adopted in recent decades through agencies such as the Occupational Safety and Health Administration. In addition, workers in the Russian space program haven't shaken off the Soviet-era habit of following orders without question, Linenger said.

''The Russians don't want to lose a cosmonaut any more than we want to lose an a astronaut,'' he said, but suggested that perhaps they were ''less used to protecting the worker . . . They're probably more willing to overlook a lot of things that we're not.''

The limited budget of the Russian space program also contributes to how it approaches safety, Linenger said. The cash-strapped space agency, after all, has allowed U.S. millionaire Dennis Tito and South African Mark Shuttleworth to pay for the privilege of being space tourists on the station despite the initial objections of NASA officials.

Most recently, the Russian space program disclosed that government funds allocated for building crew capsules and supply ships for the space station are only about half of what's needed.

''When you have a limited budget like they did when I was there, you can't afford to go to option B,'' Linenger said. ''Maybe we misinterpret that they're cavalier about things when they have no options.''

Linenger noted that NASA recently decided to send the current crew to the space station despite concerns from a NASA physician and scientist that exercise equipment and some water and air monitoring devices weren't working properly.

''When you're between a rock and a hard place. I'm not sure we would act any differently,'' he said.

Ed Lu, who returned from the space station last month after a six-month stay, said any differences in approaches to safety aren't noticeable.

It's really one big program right now,'' he said during an interview from space before his return. ''You can't really separate the organizations too much anymore.''

But members of NASA's Aerospace Safety Advisory Panel felt otherwise. They resigned en masse in September after being described as ineffective in a report by the Columbia Accident Investigation Board. Before resigning, members cited two other recent incidents in which miscommunication between the Russians and Americans on the ground had caused problems with how the space station was positioned.

''It just seems all the required operating procedures, the ground rules aboard the station, really hadn't been completely planned out between the various international partners,'' said Robert Schaufele, a former member of the safety panel and a professor of aircraft design at California State University.

But the two programs have learned from past problems, and new procedures have been put in place, said Bill Gerstenmaier, the space station's program manager for NASA.

Since the batteries incident, complaints or concerns can be taken up the command chain more quickly, said Arthur Zygielbaum, a former safety advisory board member.

And in recent years, eight NASA specialists have worked in Russia while 10 Russian specialists have worked with NASA in Houston to smooth out potential communication issues, said Joel Montalbano, lead flight director for the current space station mission.

With this communications foundation, Montalbano said, ''we can work better and stronger.''

Mr. MOLLOHAN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I appreciate the gentlelady yielding.

NASA has been on the forefront of safety on the NASA side, these provisions she has worked on in 2005 to incorporate into authorizing. She is reaffirming these safety procedures in this amendment, and we certainly have no objection on that.

We accept the amendment and compliment her on her efforts to improve and insist upon safety in NASA operations.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his courtesy, I thank the ranking member, and I thank the Congress for accepting the importance of safety as we explore the beyond.

I simply say thank you to the staff of these committees, and I ask my colleagues to support it.

Mr. Chairman, 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. 41 OFFERED BY MR. UPTON

Mr. UPTON. 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. 41 offered by Mr. UPTON:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. ____. None of the funds made available in this Act may be used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. UPTON. Mr. Chairman, we don't intend to take very much of our time. We have debated this amendment on each of the appropriation bills thus far. We have been very fortunate to have the support of Mr. OBEY and Mr. LEWIS and all the subcommittee chairmen and ranking members.

I offer this with my friend and colleague, Ms. HARMAN, along with Mr. ENGLISH and Mr. LIPINSKI. It is a bipartisan amendment simply requiring that the Federal Government, beginning on October 1, purchase only ENERGY STAR light bulbs.

This will be a savings of hundreds of millions of dollars to the taxpayers over the course of the year, and it is something that has enjoyed, again, wide bipartisan support. I don't need to debate it further.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. UPTON. 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 Michigan will be postponed.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

Mr. JORDAN of Ohio. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JORDAN of Ohio:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwises made available by a provision of law is hereby reduced by 3.0 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. JORDAN) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. JORDAN of Ohio. Mr. Chairman, we have offered this amendment for the eighth time.

Let me just help set a framework before I talk specifically about the amendment. Today we have approximately a $200 billion annual budget deficit. We have an $8 trillion national debt. We have a budget that we have been debating over the last several weeks and will complete the spending process of that next week, but we have a budget of $3 trillion annual budget.

We have an entitlement spending crisis looming, when we think about what's going to happen in the next 10 to 15 years relative to Social Security, Medicare, Medicaid. We have got a crisis that we have to begin to deal with.

Today, today the Federal Government spends approximately $23,000 per household. Now, with that as a frame work, I think it's fair to ask, is government too big or too small? If you ask that question of the average American family, my guess is when they think about those facts, $200 billion deficit, $3 trillion annual budget, $8 trillion national debt and an entitlement crisis that is looming, and a Federal Government that spends $23,000 per American household, if you asked the average American family if government is too big, my guess is they would probably say yes.

All this amendment does is begin to take that first step, that modest first step into getting our spending under control.

It says this: instead of in this appropriation bill, instead of spending $53.5 billion, let's just spend $52 billion, which happens to be the amount that we spent last year. So it's not a cut, as our friends on the other side will most assuredly say when it's their turn to speak. It's not a cut; it's simply level funding, holding the line on spending. It's a 3 percent reduction from what's in the bill, simply going to spend what we did last year.

That's not too much to ask when you think about the context we find ourselves in today in the United States of America. Here is why it's important, and I have said this every single time.

Again, every time I bring this amendment, I always articulate to the Chair of the subcommittee and the ranking member and the Chair and ranking member of the full committee that, you know, I don't do this to be a pain.

I really believe we have to begin to focus on reducing spending. I appreciate the work that the Appropriations Committee does. I appreciate the work of the subcommittee. But if we don't begin to get a handle on spending, we are going to have problems economically in the future.

The way it works is spending inevitably leads to more taxes. The American family is already overtaxed. That's why it's important. We start to get a handle on spending, so we can reduce the tax burden that the families across this country face.

Mr. Chairman, I would urge a ''yes'' vote on the amendment.

Mr. Chairman, I reserve the balance of our time.

Mr. ISRAEL. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, with violent crimes increasing for the first time in 15 years, with more pressure on the Federal Bureau of Investigation, less resources and less investments in keeping our communities safe is not the answer. Cutting programs to the FBI, cops on the streets, anti-meth programs is not the answer.

Our communities want safer streets. They want a vigorous response against crime. That's what this bill does.

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

Mr. JORDAN of Ohio. Mr. Chairman, I yield as much time as the gentleman would like to consume to the Chair of the Republican Study Committee, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Mr. Chairman, I thank the gentleman from Ohio, again, for his leadership in bringing this terribly needed amendment to the floor, his diligence in authoring this amendment on a number of these spending bills.

Again, although I wish we were debating other facets of the Federal budget today, I think it is very, very important to illuminate once again where we stand as a Nation on spending.

I was in a hearing earlier this morning in the Financial Services Committee. In that committee, we are talking about the possibility of a whole new Federal wind storm insurance program. I am not here to debate the merits of that, but it brought to mind that this Nation is facing a fiscal storm, and it's a storm that we see off our shore; but it is one that unfortunately, this body continues to ignore.

It continues to ignore this problem by growing the Federal budget at a huge multiple over inflation, growing the Federal budget way beyond the growth of the family budget. Ultimately, it's the family that has to pay for this, hardworking American families that are trying to pay for their transportation programs, trying to pay for their health care programs, trying to pay for their education programs.

I have no doubt that every single dollar in this bill can be used for a good purpose. There is not a doubt there, but when do we look at what happens in the aggregate? We have had spending debates going on for weeks and weeks now. Unfortunately, they do become somewhat similar.

But there are very important points that still need to be illuminated in this debate. Again, in every single spending bill brought to the floor, somebody can say, well, this is a good idea. But who goes back and looks at it in the aggregate? Whoever adds it all up and sees what we are doing to the least of these in our society, those who do not vote, and those who have yet to be born. I am speaking about future, future generations.

So all this amendment is asking to do, notwithstanding the language of the other side, this amendment seeks to cut nothing. This amendment seeks to level fund this particular appropriations bill, using the same funding last year that it will use this year.

Mr. Chairman, there are many people, many families all across America who would love the opportunity to make it on the same income they had last year, this year, this year to next year. So somehow we are trying to be convinced that something terrible and draconian is going on.

Frankly, our friends from the other side of the aisle always accuse us of cutting something. I wish, occasionally, that might be true.

But all spending is not created equal, and there needs to be priorities. There is no doubt that many items within this bill are a priority. But I don't believe it's a priority to impose an even greater tax burden on the American people, as the Democrats seek to do in their single largest tax increase in history. That shouldn't be a priority.

Nor should it be a priority to pass on debt to future generations, which ultimately I believe this bill will do. It

shouldn't be a priority to raid the Social Security trust fund, which, by definition, if we are running a Federal deficit, then any excessive spending continues to raid the Social Security trust fund.

So all we are asking is, is it easier to be on the road to fiscal responsibility and keep faith with future generations, or are you going to be on the road to fiscal irresponsibility and not keep faith? If you follow that road, here is what you are looking at. Listen to the words of our Federal Reserve Chairman, Ben Bernanke, who said: ''Without early and meaningful action'' to address government spending, particularly entitlements ''the U.S. economy could be seriously weakened with future generations bearing much of the cost.'' Those aren't my words. Those are the words of the Federal Reserve Chairman.

Now listen to scholars at the Brookings Institute, widely known as a liberal institution, no bastion of conservative thought: ''The authors of this book believe that the Nation's fiscal situation is out of control and can do serious damage to the economy in coming decades, sapping our national strength, making it much more difficult to respond to unforeseen contingencies and passing on an unfair burden to future generations.''

Yet week after week after week we have spending bills coming to this floor, growing government way beyond the rate of inflation, growing government way beyond the growth of the family budget, and it's the family budget that has to pay for Federal budget.

So here we have just one more chapter in this book of fiscal irresponsibility.

Now, again, I know there are many good programs in this bill. But why were so many of the other bills costing billions and billions and billions and growing these budgets 3, 4, 5, 6, 7 percent more than last year? Again, too often people are focusing on one individual aspect of this budget, and they are not focusing on the budget as a whole.

Let's listen to the words of the Comptroller General, the chief fiduciary officer in America, who said that the rising cost of government, again, particularly the entitlement spending, is a ''fiscal cancer,'' fiscal cancer that threatens ''catastrophic consequences for our country and could bankrupt America.''

Again, these aren't my words. These aren't the words of one lone Member. These aren't the words of the Member from the Fifth District of Texas. These are words of the people who most know about the fiscal condition of this Nation.

□ 1330

The Comptroller General has gone on to say, and I paraphrase, that we're on the verge of being the very first generation in America's history to leave the next generation with a lower standard of living.

Mr. Chairman, like many others on this floor, I'm in the next generation business. I've got a 5-year-old daughter and a 3-year-old son, and I am not indifferent as to leaving my children and the children of America with a lower standard of living. I can't sit idly by while this House week after week after week spends our children's future, spends them into bankruptcy, threatens to double their taxes. That's the magnitude we're looking at, doubling their taxes.

And so this is a very reasonable amendment. Frankly, I wish the gentleman from Ohio had done even more on his amendments. But level funding, that's all we're asking, Mr. Chairman. When you look at the consequences, can we at least take a bill and get a little smarter, a little wiser and spend the same amount of money next year that we did this year? And, frankly, it's the future of our children and our grandchildren that are on the line.

Mr. ISRAEL. Mr. Chairman, the gentleman said that we can afford to cut or shave budgets for anticrime programs like COPS. The gentleman did not support attempts to cut or shave the $90 billion in tax shelters that allow offshore companies to shelter their profits, open up P.O. boxes in Bermuda so that they don't have to pay their fair share of taxes. We invest a fraction of that $90 billion tax shelter, $693 million, to add 2,800 cops to the streets of neighborhoods. We want to make neighborhoods safer by adding more cops. The gentleman wants to make corporate offshore profits safer. That's a difference in priorities between our bill and theirs.

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

Mr. JORDAN of Ohio. Mr. Chairman, just a couple of things. I want to pick up on what the gentleman from Texas was talking about, families, and a lady from a family from our district, Theresa from West Liberty, Ohio, a small town in Ohio, said, when talking about spending, talking about taxes, talking about the growth of government, talking about the fact we've got an $8 trillion national debt, a $3 trillion budget, the government spends $23,000 per household, and all we're asking for in this legislation, all we've been asking for in each of these amendments, is to fund government at the same level we did last year, which all kinds of families have to do just like this family in West Liberty, Ohio.

''We're in the middle class, and we're the ones the tax hikes hit the hardest. We're trying to put our kids through college. Can't government live within their means?''

I mean, pretty straightforward. It's amazing how the American people get it. If you ask the American people in this framework, all this spending, all this debt, all this deficit, is it too much to ask to say, you know what, Government, just spend what you did before. And the playbook from the other side never changes. As the gentleman from Texas articulated, we want to spend what we spent last year in this appropriations bill. Not a cut. We want to spend what we did last year. Yet the other side will say, if we do that, the sky's going to fall, the world's going to end, everything will be terrible. Oh my goodness, we won't have cops on the street.

That's just baloney. We want to spend exactly what we spent last year, because if we don't, the ramifications, the consequences for future generations, as the gentleman from Texas pointed out, are huge. And it starts with the entitlement programs that everybody knows, Republicans and Democrats know, everybody knows those are going to be problems in the future.

That's all this amendment does. It's not Draconian cuts. It's not devastating. It's not the end of the world. It's not the sky is falling. It's saying, you know what, instead of spending $53.5 billion, which is what this legislation wants to do, let's spend $52 billion, exactly what we spent last year.

Mr. Chairman, that doesn't seem to be too much to ask when we're thinking about the context we find ourselves in, and, frankly, when we're thinking about the competition we face today in the international marketplace.

As the gentleman from Texas pointed out, our Comptroller has pointed out the problems we face. It's critical that we begin to get a handle on that. That's why we bring the amendment forward, that's why it makes common sense, and that's why I urge a ''yes'' vote.

With that, I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, violent crimes increased 3.6 percent in the past 2 years for the first time in 15 years. The gentleman's response is to cut spending for police officers, child abuse programs, domestic violence programs and antidrug programs by 3 percent.

With that, I yield 30 seconds to the gentleman from Ohio (Mr. RYAN), a member of the committee.

Mr. RYAN of Ohio. I thank the gentleman.

I would just like to make a couple of points. The gentleman from Texas mentioned entitlements. I think it's important for the Members to recall that it was the Republican majority that passed a trillion dollars in spending on the Medicare part D program and had zero, zero ability for the Secretary of Health and Human Services to negotiate down drug prices to keep them under control.

And my good friend from Ohio made the point about families, this family in his district, a middle-class family. This new Congress raised the minimum wage which will help that middle-class family. This Congress in the Labor-H bill passed an increase of $600 or $700 million in the Pell Grant. They're trying to send their kids to school. That

will help. And we cut student loan interest rates in half. So that same family who has to borrow money will have to pay back $4,000 less over the course of the loan.

We're helping that family, and I'm glad we can agree on that.

Mr. JORDAN of Ohio. Can I inquire, Mr. Chairman, how much time our side has remaining?

The Acting CHAIRMAN. The gentleman from Ohio has 2½ minutes. The gentleman from New York has 12 minutes.

Mr. JORDAN of Ohio. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank the gentleman for bringing this amendment.

It's interesting to hear about all the savings that the majority party, Mr. Chairman, claims that they have saved. I'm interested to get to the debate on the farm bill so we can hear of all the savings that's in it, and we will see how the next tax increase is going to be explained as some type of offset, or, as they have done so well this whole 110th Congress, is the smoke-and-mirror thing. They do a great job with it. I believe when people do a good job, they should be complimented. I've never seen an illusionist as good, especially convincing people that they are actually getting something accomplished.

If this Congress really wants to get something accomplished, we'll pass the amendment from Mr. JORDAN, because it's real savings to the taxpayers of $1.6 billion. Now, in the scheme of things, and I never thought I would be up here long enough to say that that's a small amount of money compared to the amount of money that we spend in Congress, but it is a reasonable savings. And not only that, but it's an important first step, the first time in the 110th Congress, and really, I think, probably one of the first times up here that we've actually saved some money, and there's nothing wrong with that. And even though it's a small start, it's a good start.

This bill is $3.2 billion above last year, or a little over 3 percent more than it was last year. And while it's a modest increase, a 3 percent increase, I think that we would do much better going back to last year's level and learning to live within that means, Mr. Chairman, than trying to expand the programs.

Mr. ISRAEL. Mr. Chairman, I have the right to close; is that correct?

The Acting CHAIRMAN. The gentleman does have the right to close.

Mr. ISRAEL. Mr. Chairman, I will reserve the balance of my time.

Mr. JORDAN of Ohio. Mr. Chairman, I know we have just 30 seconds, and the gentleman from New York will close.

Again, it's a straightforward amendment. It's not a cut. It's level funding. All kinds of families have to do it every single year across this country. Again, I don't think it's too much to ask for government to do the same, particularly when you look at the facts and the financial situation that we're facing.

With that, I yield back the remainder of our time.

Mr. ISRAEL. Well, here we go again. We've been here week after week after week and entertained amendment after amendment after amendment. I respect my colleagues for trying. Unfortunately, a majority of their caucus disagrees with them, as does a majority of Congress. These amendments keep coming up, and they keep getting defeated, and there's good reason for that, particularly with this bill.

Let me share some statistics with you, Mr. Chairman. I alluded to them before. Violent crime is increasing in the United States today for the first time in 15 years. In 2005, violent crimes increased 2.3 percent. 2006, violent crimes increased another 1.3 percent. From 2002 to 2005, Mr. Chairman, there were an additional 100,000 new meth users over the age of 12.

Now, there is a dangerous correlation, because at the same time these violent crimes are increasing, Federal investments in safe communities have been cut. From 2001 to 2006, funding for local law enforcement grants was cut 42 percent. This isn't just a cut in the rate of increase, this is a wholesale cut in Federal support for anticrime programs, 42 percent, from $4.4 billion to $2.5 billion. And not only is crime going up as a result of these Federal cuts, but local taxes, which in many cases are the most regressive form of taxation, are going up as well. Because the fact of the matter is that when you cut Federal law enforcement resources, the criminals don't go away. They stay on the streets. They keep robbing banks. They keep beating people up. They keep stealing. They keep conspiring. And so while the Federal Government has abandoned its commitment to keeping our streets safe, it's the local governments who are now responsible for trying to keep those streets safe. And so all this Federal cut is is a transfer of the obligation to local taxpayers. So what sounds like a cut on the Federal level ends up costing taxpayers even more and more to protect their communities.

Mr. Chairman, let's analyze some of these cuts while crime increases. Safe communities. This small group of Members, who disagree with every Republican on the Appropriations Committee who supported this bill, had no problem supporting a $90 billion tax shelter for the biggest offshore companies on Earth to protect their profits. We in this bill invest a fraction of that, $693 million, to add 2,800 police officers to our streets to protect our neighborhoods.

The State Criminal Alien Assistance Program. We can have differences on how to protect our borders. We all want to keep our borders safe, but if someone crosses our borders here illegally and then commits a felony, or several misdemeanors, and is arrested and incarcerated, most of us believe that the Federal Government ought to assume the financial obligation for incarcerating those people.

This small group of Members had no problem spending $14 billion on tax cuts for the biggest oil companies on Earth in the history of profit-making. We invest a fraction of that, $405 million, to reimburse local taxpayers for the costs of the incarceration of criminal aliens. What makes more sense to America?

The war on drugs. We learned in Iraq that you can't win a war when you underfund the troops. Well, guess what, Mr. Chairman. You can't win a war on drugs when you underfund cops on the streets. This small group had no problem spending billions and billions of dollars on Vice President CHENEY's no-bid contracts. We invest a fraction of that, $40 million, to fight illegal drugs with mobile enforcement teams; not mobile enforcement teams in Iraq, Mr. Chairman, mobile enforcement teams here at home.

Child exploitation. We fund 93 additional positions in U.S. attorneys' offices to fight child exploitation and enforce obscenity laws; 38 new positions in U.S. attorneys' offices to fight gang crimes. Gang crimes are proliferating. Gangs are a national problem. They cross not only State borders, they cross town lines and county lines and village lines. It requires a national investment to stop these gangs from preying on our children. We invest in stopping those gangs. This small group says, let's cut gang enforcement by 3 percent.

Domestic violence. We invest $430 million for the Violence Against Women Act for prosecutions. This small group says, we can protect the profits of big drug companies, we can protect the profits of corporations that register themselves at P.O. boxes in Bermuda, but we have to save the investment in protecting women from domestic violence?

Finally, Mr. Chairman, and this is the real kicker, to coin a phrase by my friend from Ohio several days ago, the war on terror. For the past 7 years, the FBI counterterrorist caseload has increased more than 100 percent, from 1,150 to nearly 2,400. How do they make the argument, Mr. Chairman, that as the counterterrorist caseload is going up 100 percent, we should shave resources by 3 percent to the FBI? I think most Americans understand that they can't go out and investigate terrorists, that that's the job of the FBI. We want the FBI to have those resources.

If there is money for oil companies, if there is money for offshore corporations, if there is money for Halliburton, how is it that we can't afford additional resources for the FBI in the global war on terror?

□ 1345

Mr. Chairman, I'll conclude by suggesting that this really is about priorities. And this is the debate we've had.

The sponsors of this bill have legitimate philosophies, and I understand their philosophies. Their philosophies are wrong.

They say government wants more of your money and that you should decide how to spend it. That's not true. They've spent the people's money on tax cuts for oil companies. We want to invest in COPS for neighborhoods. They've spent it on no-bid contracts for big companies. We want to spend it on investigators for the FBI. They spent it on protecting the profits of offshore companies. We want to invest it in protecting the safety of our neighborhoods.

That is why, Mr. Chairman, Republicans and Democrats, were united on this bill in the Appropriations Committee. Every Republican on the Appropriations Committee joined Democrats in passing this bill because it was common sense, the right investments, the right priorities. And that's why when this amendment is offered again on the floor for a vote, it will follow the same course and the same fate as every similar amendment before it. It will be defeated, not just by Democrats, but by Democrats and Republicans who understand that America would rather have their neighborhoods patrolled by more cops than have the offshore profits of companies at P.O. boxes in Bermuda protected by this small group of Members.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. JORDAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. JORDAN of Ohio. 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.

The Acting CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. SERRANO) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, as one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes.

The SPEAKER pro tempore. The Committee will resume its sitting.

COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

The Committee resumed its sitting.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

Mr. PRICE of Georgia. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PRICE of Georgia:

At the end of the bill (before the short title), insert the following:

SEC. ____. Total appropriations made in this Act (other than appropriations required to be made by a provision of law) are hereby reduced by $750,000,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Georgia (Mr. PRICE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. PRICE of Georgia. I thank the chairman, and I'm pleased to come to the floor today and offer this amendment. And it's a little different vein and spirit than we've offered other appropriate fiscally responsible amendments for other appropriations bills, but it's similar. But I urge my colleagues to listen closely, because the nuance has changed greatly.

Before I do begin, though, I want to make certain that any Member listening, or anybody who has heard the previous discussion and the assertion that the amendments that are offered by this group of fiscally responsible individuals can't even get a majority of our own conference, that's not true. But there's a lot of untruth spoken on this floor. For a significant majority of the Members of at least the Republican side of the aisle clearly support fiscally responsible amendments. I'm hoping and praying for the day that our friends on the other side join us in that.

I do agree with my friends who spoke previously that this is about priorities. It is indeed about priorities. This amendment before us today would reduce the increase in the spending in this portion of the appropriations bills by $750 million a year, or $7.5 billion over 10 years. Mr. Chairman, I would ask that you remember that number, $7.5 billion over 10 years, because it's there for a reason.

But before I get into the specific reasons of that, I want to talk a little bit about the process and the disappointment that so many of us on this side of the aisle have in this process, and so the disappointment that many folks who have to be muted on the other side have in the process.

There were grand promises of bipartisanship as we began this session of Congress earlier this year. And bipartisanship is the least that we have had on virtually every single issue. And I understand at the beginning the new majority felt that they had to move forward with many of their issues, and that's appropriate. That's appropriate. That's their due, given the results of last November.

However, what we've seen recently has buried any guise of bipartisanship. And, in fact, the last 2 weeks have been astounding and actually point to more astounding activities over the next 10 days.

The SCHIP bill, the State Children's Health Insurance Plan, which was adopted in a bipartisan way 10 years ago, is up for reauthorization; and now this new majority plans in a unilateral and anti-bipartisanship way to cut Medicare to aid State bureaucracies; cut Medicare and give that money to State bureaucracies in an anti-bipartisan way.

The flood insurance bill we've got in the committee right now that passed last year never got through the Senate but passed the House last year. It passed, over 400 individuals to 4. And now we have in our committee today an anti-bipartisan bill that belies any attempt at bipartisanship by the other side.

And then the farm bill that was alluded to by my good friend from Georgia just a little bit ago. This farm bill that's going to be on the floor apparently tomorrow or today, depending on when the majority decides to bring it, came out of committee virtually unanimously, virtually unanimously, both sides of the aisle, bipartisan. And yet over the past 24 hours what we have seen is an anti-bipartisan bill that puts in that bill a tax increase of $7.5 billion.

Mr. Chairman, you remember the $7.5 billion that I mentioned before.

So this amendment before us today is an amendment to reduce the increase from 3.1 percent over last year's bill to 1.6 percent. So it would take that reduction in the increase and would utilize $750 million a year, or $7.5 billion to, attribute to the farm bill that would then make it so there wouldn't have to be any tax increases that my friends on the other side so love, but there wouldn't have to be any tax increases for that portion of the farm bill.

This is a fiscally responsible way. This is the kind of flexibility that I believe our constituents desire when they ask Congress and they ask Washington to be responsive to their needs, to respect their pocketbook, to make certain that they are able to keep more of their hard-earned money and not be subject to the kind of remarkable tax increases that we've seen by the other side of the aisle.

So I would encourage my colleagues to adopt this amendment, utilize those extra monies that the majority is so adept at finding, make it so that the farm bill needs no tax increases whatsoever.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from California is recognized for 15 minutes.

Mr. SCHIFF. I thank the chairman, and I'll be brief at the outset and intend to reserve our time for the conclusion of the debate.

But we're here again to really talk about what the priorities of the Nation are and the competing philosophies of the bipartisan majority and the small minority that has taken to the floor here today.

The value of the bipartisan majority is to invest in this country, to make sure that what we have been able to enjoy, the struggle and the sacrifice that our parents and their parents made, is a tradition that we continue in the sense that we want to leave an America that is stronger and that is safer than the one we inherited.

And efforts like this, to cut our investment in law enforcement, to cut our investment in trying to keep our communities safe, our police officers safe, are very shortsighted.

Now, we all believe that the budget has to be wrestled to the ground in the sense that over the last 6 years my friends in the Republican majority borrowed and spent into oblivion. We now have a massive national debt. As a result of that fiscal responsibility, we've got a problem on our hands that we need to wrestle to the ground, and we are. In the majority we have instituted pay-as-you-go rules, something that the prior majority, my friends in the GOP, were unwilling to do. That has been along the philosophy of when you're in a hole, stop digging. So we've stopped the digging.

At the same time, we can't stop investing in our country, we can't stop investing in our future, we can't stop investing in the security of our neighborhoods; and that's what this bill is about.

The cuts that my friends in the opposition are proposing here today have only one merit, and that is they're indiscriminate. They cut the top priorities along with the lower priorities, all at the same time.

My friends in the, not the minority party, because frankly, we have a great many Republicans who have joined us. All the Republicans on the Appropriations Committee support the work product. But the minority that's speaking here on the floor today isn't willing to do the hard work and to say this is a high priority; we can't afford to cut it. This is a lower priority; maybe we can trim this here. No, they're not willing to do that. They're willing to say let's cut everything equally, the essentials with the non-essentials. And let's not raise the revenue we need to support our law enforcement by ending corporate welfare. They've been unwilling to do that.

These are some of the philosophical differences we'll hear during the debate on this amendment.

Mr. Chairman, I'm going to reserve the balance of my time and look forward to an opportunity to address the House in a few minutes.

Mr. PRICE of Georgia. Mr. Chairman, I'm somewhat amused by my friend's comments. It brings to mind what I have come to describe this Congress as, and that is the Orwellian democracy that we see day in and day out. The accusation is that this side of the aisle spent too much money, so that side of the aisle is going to ''stop digging.'' Well, they're stopping digging to the tune of a 3.1 percent increase, billions of dollars of increase. So their response to don't spend that much is let's spend more. And that's where the Orwellian democracy comes in.

And the accusation from the other side that comes, that says, well, you don't want to spend this, you're going to cut this program, you're going to cut COPS, you're going to cut programs that are vital to our Nation, it's kind of like having your child come to you and say, I'd like to have an increase in my allowance. And say they were getting $5 a week. They wanted $10 a week, and you settled on $7.50 a week, and then your son or your daughter says, hey, you just cut my allowance by $2.50. That doesn't make any sense. But that's the argument. That's the argument on the other side.

So we endeavor to have fiscal responsibility. We endeavor to be responsible with the hard-earned tax money of the American worker.

I'm pleased to yield 2½ minutes to my good friend from Virginia, the chief deputy whip, Mr. CANTOR.

Mr. CANTOR. Mr. Chairman, I'd like to just first respond. I rise in favor of this amendment and respond to some of the remarks that were made on the other side of the aisle.

I think we can all agree that we must continue as a people to invest in our people, to invest in this country. All of us, all of us were elected by the constituents that we represent to leave an America stronger and more secure than the way we found it, stronger and more secure for our children and our grandchildren.

The problem is here, every time we get a chance, every time we turn around, we seem to be raising taxes. There is no way that we can leave an America stronger or more secure if we somehow cut off the economic engine that allows us to continue to make the investments in our people of this Nation and in our security.

There were remarks made about the national debt that we are now experiencing. Well, you know what? The national debt, frankly, is 1½ percent of GDP. And from all corners, from the economists to the former Federal Reserve Chairman to the current Federal Reserve Chairman, that 1½ percent of GDP is a lot lower than it has been recently, and it is due to the very forward-thinking economic and tax policies that we have in place which reward risk-based investment which, frankly, don't shun the notion that we should empower the families and the businesses of this country so that they can take care of themselves.

And you know what? The revenues in this Federal Government are up beyond that which we've seen before. That's the product of the economic policies. That's our key to success and security of this country.

Now, as far as the pay-as-you-go rules that the majority has adopted, you know what that means? That means never cut spending, always raise taxes.

□ 1400

That is why we are here opposing this because, yes, this amendment allows us not to have to raise taxes to fund the expansion of the farm bill that the majority has proposed.

Again, I would just ask my colleagues to support the gentleman's amendment because the bottom line here is what we are talking about is the difference between raising taxes and raising spending or somehow getting ahold of ourselves, applying some fiscal discipline so that we can show the American people that we hear them when they say there is too much waste and spending in Washington.

Mr. SCHIFF. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

It has been said a couple times here today about money in people's pockets. And I would suggest that under the leadership of the Democrats and the Republicans, who have been great, on the Appropriations Committee, we are putting money back in the pockets of average American people.

Only half of the people in my congressional district got a tax cut. Only half. And the ones that got it only got a couple hundred dollars. So when you look at the big tax cuts that supposedly went to people who live in Youngstown and Akron, Ohio, that was a couple hundred dollars, and you compare that with what we are doing with the Pell Grants, an increase of $500 or $600, that is going to people in my district. So we are already $400 ahead of the tax cut that the Republicans were so generous to give.

When you look at cutting student loan interest rates in half, saving $4,000 over the course of a loan, that is money in the pockets of people who live in most of our congressional districts.

And I am thankful for the concern for the American families, but I wish our friends on the other side, at least most of them, were around when we tried to give them a pay raise and increase the minimum wage. They are talking about taking money out of their pockets. We are trying to put money in their pockets. That is what we are trying to do here.

And as the gentleman from New York made the point a few minutes ago, we are funding 2,800 cops. We can't pass police and fire levies in my district because the cities just don't have the money, and we don't have the local economy.

The Federal Government does have a responsibility to make our streets

safer. That is what this bill does. That is what the chairman and the ranking member of the subcommittee have done. And that is why this amendment needs to go down. This is not the time to start cutting police officers going to our streets to make our communities safer so that we can grow our local economies.

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

I want to make just two quick points in response to my friend's argument that these are not real cuts, these are somehow imaginary cuts, and the illustration he gave of the allowance he gives his child. Two things, one factual and one philosophical.

On the factual side, my friend's across-the-board cuts will mean very real, very direct, very incontrovertible cuts, less money now than the year before in many vital programs; not every program, but many vital programs including some I will point out in my friend's home State of Georgia, things that law enforcement in Georgia and around the country care a great deal about. Real cuts. We will talk about some of them.

We can't hide behind an across-the-board amendment and say, we are not really cutting anything, because you are. Basically what you are telling your child in the allowance hypothetical is we are going to cut how much we are going to spend on your education, a real cut. We are going to cut how much we are going to spend on your health care, a real cut. Let's hope you don't get sick.

One of my friends in the opposition, in support of this same amendment, last week said, American families are just going to have to make the decision, we can't afford to have each of our kids go to college. Maybe we will have to choose one child who won't go to college. Well, philosophically the bipartisan majority of this House doesn't accept that for America. We believe every child who is bright enough to go to college ought to go to college. The fact that his parents may be rich or poor shouldn't matter. And we are willing to make the investments in our colleges to make sure that no parent has to say this child can go to college and this one can't because we are not willing to make the investment.

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

Mr. PRICE of Georgia. Mr. Chairman, once again I am amused by the comments of my good friends and colleagues on the other side.

The fact of the matter is the departments that run these programs that we are addressing right here asked for $2.3 billion less than our good friends on the other side are proposing us to spend, which means that they believe they can accomplish the goals that have been given to them with $2.3 billion less.

And they talk about all this wonderful caring they have for families. Well, the largest tax increase in the history of our Nation that they passed in their budget, about $2,700 per family, is a peculiar way of showing you are caring for the American family.

With that, Mr. Chairman, I am pleased to yield 2 minutes to the minority whip, my good friend from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Chairman, I thank my friend for yielding. I am pleased to be here as a part of this debate.

I continue to hear as these debates go on that somehow these increases are not real increases, and I continue to be mystified by that. I think if my good friend from Georgia's amendment was approved, and I voted for his cutting amendment on each of these bills, if that amendment was approved, we would still have an increase in this bill of a little over 5 percent.

Now, I don't know how that calculates out to not an increase, but I am continuing to try to figure out how that is not an increase. I do know that that increase of 5 percent anywhere that I talk to Americans is an increase. And I know, more importantly, in the course of today and tomorrow that what my friend from Georgia is suggesting is that if we let this one appropriations bill grow by 5 percent, as we move on later into the discussion of the farm bill, we would have saved enough money in this 1.4 percent cut not to have a tax increase that puts the farm bill in jeopardy.

The farm bill is a bill that I voted for in the past and hope to vote for this year, but it is a bill that doesn't have to include a tax increase. But the $7.5 billion over 10 years that the farm bill needs could be gained right here if we would save $750 million of the increase in this bill.

I just urge my colleagues to look at what we are doing here, realize that we are jeopardizing important things by moving forward in a way that spends more money than we have to spend this year.

Most of these programs are good programs. I was a college president for 4 years. I believe in college education, in everybody having one. I don't believe that the reality is as stark as our friends on the other side would suggest. I believe a 5 percent increase used wisely would make all of these programs work effectively and for the American people, and we would be making the decisions we need to make for the other things we need to do.

I support this amendment.

Mr. SCHIFF. Mr. Chairman, I am happy to yield 30 seconds to my colleague from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman for yielding.

It is very interesting and we need to continue to point this out: We had a measure within the first 100 hours we were here to cut $14 billion from the oil company subsidies, and my friends on the other side couldn't find the courage to vote for that, but they want to do it on the back of these COPS programs in our local neighborhoods. Ninety billion dollars' worth of tax shelters, they didn't vote for that, but yet they want to cut COPS programs in our local communities. They had the opportunity to stop funding these huge tax cuts and subsidies to the oil companies, refused to do that for fear of alienation, and now they choose to do it on the backs of these programs.

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

A couple quick points. Of course we hear the mantra from my friends on the other side of this bill's representing a tax increase when there is no tax increase in this bill. We have now heard the same statement applied to the farm bill. There is no tax increase in the farm bill.

My friends seem to think that the corporate welfare that we provide, if you cut corporate welfare, that somehow we are increasing taxes on average Americans; if we do away with offshore tax savings, that we are somehow doing away with the income of ordinary Americans. But I think ordinary Americans would rather have the investment in our law enforcement. They would rather have safe streets than safe shelters overseas.

And one point I wanted to make with respect to a comment that my friend from Georgia made. He said the departments here aren't even asking for the resources we are providing them. None of the agencies want the resources that they would be provided in this bill.

Maybe my friend represents a very different district than my own, but I have never had police officers from my cities of Burbank, Glendale, or Pasadena come to me and say, Congressman, we have too much money for cops. We have too many cops on the street. We don't want any of your help. Thank you, but no thank you.

Now, maybe things are quite a bit better in Georgia. Maybe there is no crime in Georgia, and maybe your police departments are saying, we don't need vests, we don't need cops, we are doing great, thank you, but no thank you.

That is not what I am hearing. What I am hearing is they have got greater responsibilities in the war on terror. They have got higher gang violence. They need the resources. They need the people on patrol. That is what I am hearing.

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

Mr. PRICE of Georgia. Mr. Chairman, at this point I am pleased to yield 2 minutes to my good friend from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding, and I thank him for bringing this important amendment.

Facts are stubborn things, Mr. Chairman. The CJS bill spends $53.6 billion. This amendment would reduce that by 1.4 percent, but it would still allow for

an increase in the Commerce-Justice, and Science spending. With the passage of this amendment that is being characterized as a cut in the CJS budget, this bill still increases by nearly $1 billion compared to last year.

And let me be clear on what we are trying to do, I think what the gentleman from Georgia is trying to do here, and that is we are trying to find a way to avoid having to raise taxes the way the Democrats are planning to do in the farm bill later today. I mean, the Democrat majority is planning to bring a $7.5 billion tax increase to the floor of the Congress in the context of the farm bill later today, and we are just trying to take this opportunity to make a cut in a single year that, if we did it over 10 years, we wouldn't have to raise taxes.

Now, that is being characterized as the work of a small minority versus a bipartisan majority. At least they are not calling us a fringe this week.

Well, I think if the small majority is the people that want to pay for increases in spending with budget discipline, and the bipartisan majority is the one that wants to pay for increases in spending by raising taxes, I am happy to be part of the small majority that I happen to think speaks for the overwhelming majority of the American people, who want this Congress to live within its means, who want this Congress in a bipartisan way to make the tough choices to put our fiscal house in order.

I commend the gentleman from Georgia. I thank him for his vision. I urge passage of the Price amendment, because if it passes, it will lay a foundation where we will not have to raise taxes by $7.5 billion in the farm bill later today.

Mr. SCHIFF. Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Chairman, I had not intended to speak on this matter, but the rhetoric has gotten my attention enough that I thought I should share with the American people as well as my colleagues my early experience in public affairs.

I will never forget running for a school board, and people were talking about the Federal Government's beginning to get involved in education. I remember saying to those people, let us be very, very careful about going to Uncle Sam to finance our schools when traditionally that is the highest of State responsibilities, and they cooperate with local districts to provide for our schools and control them.

Uncle Sam then gave only 10 cents on the dollar for education, and those who gave the 10 cents wanted to tell us more and more what to do in our local school districts.

□ 1415

All these years later, I must say it's like 50 years later, we continue to want to tell people what to do in their local schools, and we're now giving them 90 cents on the dollar. Those who are talking about free gifts for people who are providing for educational activities, et cetera, et cetera, et cetera, eventually the folks who are sending their children for school, one way they will pay for that education, one way or another. For you could, in those days, I'm not sure what the figure is now, but in those days you could take every family that made $100,000 or more, and anything above that $100,000, tax it 100 percent, and you could run the government for 30 days.

The people are not stupid. They know, as you're playing games with them suggesting, oh, Uncle Sam has a free lunch here some way, the folks that you're talking to are having to pay the bills in the final analysis regardless, because all those rich people, you tax them 100 percent, and they will not run your government more than 30 or 60 days. And who pays for the rest of it?

Another point that is very important, in my view, the rhetoric that suggests that the Federal Government should do everything centers around the reality that the Federal Government has a responsibility to provide for the national defense, make an effort to provide security and freedom in the world, and then make sure our local government and our State governments are healthy. They are not healthy if you so discourage industry that they leave the country in order to be able to get their work done and produce the products that we need. Those rich oil companies that you're talking about, they're leaving the country. The light bulbs we were talking about earlier, they're all made in China. It's about time we recognize that Uncle Sam does not have every answer.

I'm going to vote ''no'' on this bill, in spite of what the gentleman from California said earlier. I have the privilege of being the ranking member on the committee, but I'm going to be voting ''no'' because it is about $2 billion over the President's budget request, and the agencies around know they don't need as much money as you folks want to spend on them.

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

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. You know, Mr. Chairman, we've had a game going on in this Capitol for the last 6 years. It's called ''Shift the Shaft,'' and nowhere is it more clear than in what has happened with law enforcement funding.

As I said yesterday, we've had a Kabuki dance going on in this Congress for years. What happens is each year the President comes up with a budget. He's looking for things he can squeeze out of the budget to make room for tax cuts for millionaires. And so what does he do? He cuts the guts out of our assistance to local law enforcement, and then we wonder why the crime rate has gone up the last 2 years. He cuts the guts out of law enforcement, and then each year the previously Republican-controlled Congress comes in, they restore about one-third of those cuts, they say, oh, what good boys are we. Look at what we've done to help law enforcement. And at the end of that time, we're $1.5 billion below where we were in 2001 in terms of our assistance to local law enforcement. Now, maybe that makes sense to some folks; it doesn't make sense to me, not with the explosion of meth problems all over the country, not with the explosion of drug problems.

The prior Speaker of the House had a big thing about going after drug production in Colombia. We're spending hundreds and millions of dollars in Colombia, but we're not spending nearly enough money here at home to reduce the demand for those same drugs that are being produced in Colombia, and this amendment would cut that further.

The same crowd talking is the crowd that didn't mind providing $600 billion in borrowed money in order to finance that misbegotten war in Iraq. It's the same crowd that is willing to provide $57 billion in tax cuts to millionaires this year, paid for with borrowed money. But then they divert the public's attention from the cause of those on-the-cuff expenditures by saying, oh, we're going to focus a 1 or a 2 percent cut on law enforcement, a 1 or 2 percent cut on the National Science Foundation so we can get people to think that that's the problem that's causing the deficit and not our profligacy for the last 2 years.

Now our friends on the Republican side of the aisle say, oh, we've got this terrible tax cut coming in the farm bill. Baloney. What we're trying to do in the farm bill is to increase support for domestic nutrition programs so that, in addition to having 44 million people in this country who are walking around without health insurance, we don't also have a lot more kids walking around who are hungry. And we're talking about paying for that not by raising taxes on middle-class Americans, but by closing the loopholes on offshore foreign corporations.

Now, I'm not at all surprised that the Republican leadership cannot tell the difference between closing tax loopholes on special interests and raising taxes on the middle class. The difference is that on this side of the aisle we can, and that's why we're voting against your amendment.

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

Mr. PRICE of Georgia. Mr. Chairman, I am pleased to yield 15 seconds to my good friend from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend for yielding.

I just want to clear up one thing. Let's clear the smoke out of the room here and put some facts in the discussion. The Clinton administration awarded the Halliburton contract. Mr. CHENEY only extended it. The Bush administration only extended it after trouble in the Middle East broke out.

Mr. SCHIFF. I thank the gentleman for his defense of the Vice President and Halliburton. I'm sure the Vice President has no connection, no history with Halliburton whatsoever.

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

Mr. PRICE of Georgia. Mr. Chairman, may I inquire as to how much time remains on each side?

The Acting CHAIRMAN. The gentleman from Georgia has 1¼ minutes remaining. The gentleman from California has 5½ minutes.

Mr. PRICE of Georgia. Mr. Chairman, I do want to point out that there isn't a corporation in this world that pays taxes that don't come from somewhere other than the back pockets of the American people. There isn't a single corporation in this Nation that doesn't pay taxes where that money doesn't come from individuals.

Corporations don't pay taxes; it's passed through, it goes to the individual. So to say that any increase in taxes on corporations doesn't affect the American people is ridiculous. It's ridiculous. To talk about the oil companies that have their taxes increased, all that the majority has done is driven us to greater reliance on foreign oil.

This amendment would decrease the increase of spending in this portion of the appropriations bill by 1.4 percent, $750 million a year, $7.5 billion over 10 years, in order to cover what the majority says is the desire and the need to have a tax increase for the farm bill.

This is the kind of fiscally responsible spending and appropriations that the American people are demanding. They aren't interested in a government that is so large that it can take away everything that they need. They believe they can make better decisions with their money than the government makes with their money.

And so we strongly urge our colleagues to adopt this amendment to avoid a tax increase on the farm bill.

Mr. SCHIFF. I thank the gentleman for pointing out that corporations don't pay taxes. I don't think that's quite true, but that certainly is the aim of my friend from Georgia, and my friends in the majority have been working hard for that object for some time.

I am happy to yield 30 seconds to my colleague from New York (Mr. ISRAEL).

Mr. ISRAEL. I thank the gentleman.

I just want to shed some light on some of the rhetoric we've heard. Ripe from the committee report, FBI field investigative resources used for criminal investigative matters have decreased 29 percent from nearly 6,200 agents to 4,400 agents over the same period. The committee is concerned over the decline in FBI criminal investigative resources, particularly in light of the recent announcement by the FBI that violent crime in communities across the Nation, murders, robberies, forcible rapes and aggravated assaults, rose for the second straight year.

Why would we want to cut the FBI $90 million when crime is increasing?

Mr. SCHIFF. I thank the gentleman for pointing out the cuts to the FBI and other law enforcement that would be occasioned by this amendment and others that my friends are offering.

The cuts go deeper. They cross the board in terms of everything that the Justice Department does. My friend's amendment would cut funding for victims of child abuse. My friend's amendment would cut funding for the COPS program. It would cut funding for violence against women, victims of violence against women. But let's hone in on a very specific, because my friend says, well, these aren't really cuts. Let me talk about one program specifically that my friend's amendment makes a very real cut to, not artificial, not Orwellian, not imaginary, and that's bulletproof vests.

Back in 2003, the Attorney General announced the Body Armor Safety Initiative in response to the failure of bullet-resistant vests. One in particular worn by a police officer in Pennsylvania was discovered that the xylan vests, when they were old and used, weren't stopping bullets the way they were supposed to, and so the Justice Department started a program to replace these vests.

The COPS program funds an effort to provide vests for local police departments. That program has been very successful. In my friend's home State of Georgia, for example, he can pick any city, Alpharetta City, the program bought 40 new bulletproof vests for the police officers in Alpharetta City. Across Georgia, there were 1,100 of these xylan vests replaced that needed to be replaced.

In the new COPS program that we're funding here, Alpharetta City got 25 new bulletproof vests. Cherokee County got 293 bulletproof vests. Cobb County got 566 bulletproof vests. DeKalb County got another 240. Georgia, in total, just in this particular year, I think 2005, got 4,789 new bulletproof vests.

My friend's amendment makes a real cut to the number of bulletproof vests we can provide cops, not a decrease in the rate of increase, but makes a real cut. Under my friend's amendment, the cops in Georgia are going to get fewer bulletproof vests than they would get without it and than they got last year.

Now, I can't go home to my district and tell the cops of Burbank, Pasadena and Glendale that I cut their funding for their bulletproof vests, but the indiscriminate nature of this amendment means that is exactly what it would do in my district, in my friend's district in Georgia.

My friend from Colorado, who has an amendment, I'm sure, for another across-the-board cut, Fort Collins, Colorado, they got five vests. Greeley City got 53 bulletproof vests. Longmont City got 28 bulletproof vests. Colorado, in this particular year, got 3,900 new vests. These across-the-board cuts mean fewer bulletproof vests for cops in Colorado.

My friend's amendment from Ohio, with even bigger across-the-board cuts, would be devastating in Ohio. Ohio, in this program, got 5,200 new vests. So what is that going to mean? A 6 percent cut. That means, what, several hundred fewer bulletproof vests? Well, that may not mean much to us here, but if you're one of those cops that can't get their vest replaced and that vest isn't going to work so well against one of those assault rifles or one of those other heavy-caliber munitions they're facing out there on the street, it means a heck of a lot.

And I don't know about my friend from Georgia, but I don't have the cops from my district coming to me and saying, we've got more money than we need. We don't need bulletproof vests. We don't need interoperable communications equipment. A lot of the cops out in the County of Los Angeles can't talk to each other because their communications equipment won't talk to each other. We fund that here. My friend's amendment cuts that here.

How can my friends, not on the bipartisan majority, but in the minority that has expressed themselves here today, say they're for law and order, say they're standing behind the men and women in uniform, and then make real cuts to what we provide? Or, as my chairman points out, if you don't just look at last year, compared to last year where we didn't do very well by them either, but if you look at where we were in 2001, we're going backwards, not forwards. We're not even at where we were 5 years ago.

This amendment is a mistake, and I urge my colleagues to reject it.

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

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Mr. Chairman, I just want to expand on the excellent debate and the points that have been made in opposition to this amendment.

The fact is we are in a period of rising crime. In the last 2 years we have experienced a rise in crime. We are looking at an amendment that proposes an across-the-board cut.

The first thing you all need to understand about this amendment is that it is indiscriminate. It doesn't look at what programs are being cut. It doesn't talk about cutting one program more because it's a lower priority or that program less because it's a higher priority, or excluding some programs from being cut because they are a tremendously high priority.

My colleague just talked about State and local law enforcement. The previous amendment would have cut the

Justice Department by some $681 million. This amendment cuts the Justice Department by $335 million. Those are real dollars and real cuts to law enforcement. Those cuts translate directly to local law enforcement and the people that are actually fighting crime in the streets.

□ 1430

What the Federal Government has done to support those folks in the past is given them resources, as the gentleman just described. If you are the sheriff's department in rural America, or you are the chief of police in urban America, or if you are a local law enforcement coordinator, then you are hurt badly by this across-the-board cut amendment.

The last amendment was a $45 million cut to State and local law enforcement. That means, as the gentleman just eloquently described, a large cut to our State and local law enforcement.

I would like to describe another area of the bill that would be cut by this amendment. To emphasize how real these cuts are, let's look at NASA. We have acknowledged that NASA is not being funded at a level that allows it to meet its missions across the board. If you are at Glenn Research Center or the Ames Research Center, and you are out there listening to this amendment, you need to understand that across-the-board cuts are going to mean significant things to your institutes. It means you are going to have fewer resources when right now you have a mission that you already lack resources to perform.

Employees at Kennedy Space Center, Marshall Space Flight Center, Goddard Space Flight Center and Johnson Space Flight Center in Texas, or who live in the communities and depend on it will be impacted by this amendment.

Science. This amendment would cut $79.7 million out of the science account. In this bill we tried to increase the science account so they will be able to do their missions.

Aeronautics; $9 million. And out of exploration—Johnson Space Flight Center and Kennedy Space Flight Center ought to be really tuned in to this—$54.9 million.

A total cut for NASA, Mr. Chairman, of $246.7 million. NASA is concerned about that. NASA says, and let me read, ''The consequence of these cuts is that NASA will not be able to make as effective or safe a transition to the new systems as originally planned. There will likely be significant workforce impacts as a result. Thus these budget reductions have ripple effects over many years due to the highly integrated nature of the shuttle and exploration systems. Many shuttle employees are at risk with these across-the-board cuts.''

So, Mr. Chairman, this is just another reason of why we should be against these across-the-board cuts.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from Georgia.

Mr. PRICE of Georgia. Mr. Chairman, I rise and with all due respect would ask my colleagues to simply read the amendment. The amendment states, total appropriations made in this act are hereby reduced by $750 million. That is not an across-the-board cut. That allows the agencies to determine where best they are able to absorb a decrease in the increase that they would be provided by this underlying bill. What we challenge with this 1.4 percent reduction in the increase is for each of those agencies to find 14 cents out of every $10.

Mr. Chairman, I would suggest that is what families do all across this Nation every day. So our priorities are the American family. Our priorities are the American family. We take our responsibility seriously to keep it fiscally prudent and fiscally responsible.

Mr. Chairman, we believe this amendment moves us in that direction. We would urge our colleagues to support the amendment.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. PRICE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. PRICE of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds in this Act may be used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment that I bring before the House is an amendment that I brought on at least two other appropriation bills. The section of the Code that it addresses, 274A(h)(3), is the section that defines those who are not lawful to work in the United States. It includes two categories of people. It would be those who are unlawfully present and those who are lawfully present without work authorization.

My amendment prohibits any of the funds that are appropriated under this act from being used to employ persons who are not lawful to work in the United States.

It is a standard amendment that I brought in the past. Should the gentleman ask me to yield, I would be open to that, obviously.

Meanwhile, the point that inspires me to come to the floor more than any other is a report that was released in June of 2006 by the Office of the Inspector General of the Social Security Administration that identified that approximately 11,000 employees were likely working for the government, 7 Federal agencies, 7 State agencies, and 3 local agencies, under nonwork Social Security numbers. All the Federal Government needed to do was run their databases against each other, the Social Security Administration and the Department of Homeland Security. They could have identified these employees.

The category that I have described only includes those who are lawfully present but not authorized to work, but there is another category of those that are not lawfully present that this amendment would address, as well.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KING of Iowa. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, this amendment, as we understand it, is merely a restatement of current law, which already prohibits the employment of unauthorized aliens. We don't read into it that it imposes any new burden on those who are using funds appropriated under the act. It is fully consistent with current legal obligations imposed on all employers, regardless of whether or not they use such funds.

We would accept the amendment, Mr. Chairman.

Mr. KING of Iowa. Mr. Chairman, reclaiming my time, I thank the chairman. I concur with the analysis that he has delivered to the floor of this House, Mr. Chairman. I would encourage adoption of my 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 Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. MUSGRAVE

Mrs. MUSGRAVE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MUSGRAVE:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Appropriations made in this Act are hereby reduced in the amount of $267,755,000.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Colorado (Mrs. MUSGRAVE) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Colorado.

Mrs. MUSGRAVE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this discussion is becoming very familiar as we go through these appropriations bills. This bill is $2.2 billion over the President's request. That is a percentage of 4.2 percent. It is $1.6 billion over last year's amount with an increase of 3.1 percent over last year. My amendment would take the increase from 3.1 percent to 2.6 percent.

Mr. Chairman, I have thought a lot about this. This has especially been on my mind today as we are getting ready to vote on the farm bill in the afternoon.

When I think about raising taxes to pay for these programs, there is not anyone in here that is doubting the worthiness of the way we are spending dollars in this bill. I personally have a son-in-law that is a police officer, so when you talk to me about bulletproof vests, that is something that I think about when I think about the young man that is married to my daughter and the father of my three grandchildren. So I want to say these are worthy things that we are spending these dollars on.

But we have to realize there is not an infinite supply of money that just falls out of the sky. We have taxpayers that fund all of these programs. And while the programs are worthy, and I support an increase, I merely want to take the increase from 3.1 to 2.6 percent.

As we get ready to consider the farm bill today, during the markup of the farm bill I offered an amendment, and my amendment basically said we would have a sense of Congress that the programs in the farm bill would not be paid for by a tax increase. Unfortunately, the chairman ruled that my amendment was out of order and it was not germane.

Yesterday, while we had a discussion with the Secretary of Agriculture over the farm bill, he said that perhaps Mrs. MUSGRAVE's amendment was the most germane of all the amendments, because we are looking at an enormous tax increase to pay for the farm bill.

In the Fourth District of Colorado, we have about 2 million cattle. We are eighth in the country in total value of egg production. We have an enormous dependence upon agriculture in our district. The whole northeastern and southeastern part of the State depends on agriculture as the basis of their economy.

We were told all along during the farm bill discussion that we were not going to have a tax increase. In fact, if I may quote the chairman, when I offered my amendment, he said, ''Nobody is talking about a tax increase here.'' Now, today, we have the farm bill coming up on the floor, and we have a tax increase.

I had to call the Farm Bureau today, my friends at the Farm Bureau. I talked to the Farmers Union. I talked to the wheat growers, the cattlemen, corn growers, telling the folks that now the rug has been pulled out from under us on this farm bill. We had an agreement. We no longer have an agreement. We are looking at a tax increase. Rural America, not just the Fourth District of Colorado, is looking in today to see what we do with the farm bill, and I am very disappointed that now we are looking at a tax increase.

When we think about the taxpayer out there, just average Americans, they work clear up into April to pay their taxes. April 30 is ''tax freedom day.'' I would like to have each young person that is getting ready to enter the workforce think about that. You work all through January, you work through February, you work through March, you work through April before you get to quit paying for government. When you think about it, Americans work longer to pay for government than they do for food, clothing and housing combined.

We need to show some discipline here, just a mere 0.5 percent. Again, increase the spending for these worthy needs, but take it from 3.1 to 2.6 percent.

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

□ 1445

Mr. ISRAEL. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I thank the gentlewoman from Colorado for yielding.

As I listen to this debate, there are a number of things that race across my mind. One of them is the constant repetition of the statement, ''This is a real cut. This is a real cut.'' It is a real cut in a real big increase. So if you want to describe it as a real cut, you have to say a real cut in a real big increase or you're not telling the American people what is really going on here.

There are a few areas of our budget that are discretionary spending, and there are a few areas of our budget that aren't discretionary spending. Those that are on auto pilot we can't do a lot about in the appropriations process. Yet those that are discretionary spending, we can do something about. Yet the majority seems to be determined to continue to accelerate the increases in spending in the discretionary sections of our budget. It is like you are driven to grow this government no matter the price to the taxpayers.

So I have come in a realization here in the first 6 or 7 months of this 110th Congress: You guys really believe in what you do. I didn't think so before. I thought maybe there were some people who were a little cynical, but I believe now you really believe in what you're doing. I believe you really do want to grow this government. I believe you want to raise taxes. I believe you want to take the responsibilities off of all the people all the time and take it into a maternalistic, socialist government. I now believe that. You've convinced me. And you've been constant and you've been repetitive and you have been consistent and persistent in driving this growth of government across this floor of Congress.

One day, the American people will rebel to this if they can get over their apathy. I'm for the Musgrave amendment.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded to direct their remarks to the Chair.

Mr. ISRAEL. Mr. Chairman, now we have been accused of supporting a socialistic government because we want to put more cops on the street and because we want the FBI to have more resources to go after terrorists who are trying to destroy democracy. For that we are a socialist government, Mr. Chairman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. I think it is funny that we got the socialism talking points back out, Mr. Chairman. Dusted them from 1992 and 1993, and now they are back out. But this is exactly right, Mr. ISRAEL. This is about putting agents, cops on the street. This is about national security. This is about protecting our country.

Now, I think it is important that we get a little bit into the details on a couple of these programs that the gentlelady's amendment is going to cut and that the previous two amendments were going to cut, too, because I think it is easy for us to say you are going to cut cops and cut the FBI. It doesn't sound like a whole lot.

But as the gentleman from New York stated earlier, there has been a decrease in FBI criminal agents by 29 percent from 6,200 to 4,400 agents. So what the committee did, in all its wisdom in a bipartisan way, said we need to hire more people. For what exact programs? Well, why don't we take a look here.

National security field investigations is one of the programs that would be cut under this amendment. Now, many of our friends on the other side of the aisle say, what, is the world going to end if we cut this by 0.5 percent? Is the

world going to end if we cut this by 1 percent? Is the world going to end if we cut this by 3 percent? Let's look at exactly what you're cutting. Just in this one little program, national security field investigations, the committee wants to hire 245 positions, 150 agents, 95 support personnel to increase the level of field resources dedicated to national security investigations. This amendment will cut agents from being on the street protecting the United States of America.

Let's look at another one, surveillance. This committee wants to hire another 50 people, 50 positions under the surveillance program to provide additional resources for the FBI to conduct surveillance in support of priority national security investigations. Do you think this isn't going to affect anything? There are going to be less agents investigating. There are going to be less agents listening to the terrorists who already may be in this country. This amendment will ensure that these agents don't get in the field, they don't get hired, and that they don't listen to what the terrorists are saying and hopefully protecting the United States of America from the next terrorist plot.

This is a dangerous amendment that puts this country's security in jeopardy.

Mr. ISRAEL. Mr. Chairman, before I reserve the balance of my time, I just remind the gentleman who accused us of being socialists that I think just about every Republican, including very conservative members of the Appropriations Committee, supported this bill. I don't believe they would appreciate being called socialists because they believe in cops on the street and more resources for the FBI. They are not socialists; neither are we. We are commonsense, mainstream Members of Congress who want to protect America's neighborhoods.

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

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I rise to support the Musgrave amendment. I think it is the wise move to make. It shows good stewardship to come in and look at this budget and say, where do we slow the growth and how do we slow the growth?

As we all know and as we have learned from so many of our States that have balanced budget amendments that have to curtail the growth of the budget, across-the-board reductions work. They work. And the reason they work is because you get to go in and manage. The Departments get to manage where they want to make those reductions. We all know you can make those half percent reductions. Mr. Chairman, they have been proven to work.

The thing that is so very interesting to me is, even if this were to pass, making a half percent reduction and saving the taxpayers $268 million, which is what Mrs. MUSGRAVE is seeking to do, you would still have an increase. You would still have an increase in Science, Commerce, Justice spending. That would be there.

But what we are seeking to do is rein in what the Federal Government spends. We can sit here and argue about the particulars of budgeting. We can talk about how baseline budgeting always sets us up for saying whatever is put on the table is a cut, and we can talk about how zero-based budgeting might be a better approach to how the Federal Government goes about setting its annual budget.

But one thing we know is this, that the liberal elites always want to come in and spend more. They never get enough of the taxpayers' dollar. We are seeing that this is proving to be the ''hold onto your wallet'' Congress. As I said last week when our friends across the aisle were calling us the ''fringe,'' FRINGE does mean ''fiscal responsibility includes no government excess.''

Mr. ISRAEL. Mr. Chairman, while they talk about cutting the increase, criminals keep increasing. There has been a 3.6 percent increase in violent crimes. We believe at least we should keep pace with those criminals so we can put them behind bars and bring them to justice.

I yield such time as he may consume to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, we had an opportunity within the first 100 hours to cut $14 billion from going to the oil companies. We supported it. Our friends on the other side of the aisle rejected that approach; they would rather take it out of security. So I think it is important we go back.

My friend from Tennessee said where do we slow the growth. Well, we tried to slow it from going to the oil companies and we tried to slow it from going to corporations who harbor themselves in these far-off distant lands to avoid paying taxes. Our friends choose to take it out of security.

Let's look at a couple more of these programs because sometimes the details hurt. Crimes Against Children, which is a program we have, the committee wanted to have an increase of 14 positions to provide a coordinated investigative, operational and intelligence effort to combat crimes against children and to address child abduction, predators who sexually assault children, and child prostitution. There will not be 14 positions to protect our children if this amendment passes.

How about this one, weapons of mass destruction directorate. Sounds like a pretty good idea post-9/11, and in a bipartisan way it passed out of committee. Here is what it will do. The committee wants to hire 146 positions, 29 agents, 69 support personnel, to develop the essential baseline capabilities to build a dedicated weapons of mass destruction program designed to prevent, prepare for, and respond to the threat of weapons of mass destruction. If this amendment passes, we are going to have less agents trying to find folks who are in our country trying to unleash weapons of mass destruction.

How about the Data Intercept and Access program; 41 positions, 6 agents, 35 support to provide the technical expertise, training and necessary equipment to execute lawfully authorized electronic surveillance of data network communications facilities trying to protect us. This bill has some essential components to it.

This committee went to great lengths to make sure that they would make the proper investments. This is very well thought out. I think we would be hard-pressed to find any American who would read this and say no, you know what, we should not hire that many agents. We should give that money to the oil companies. I don't think there are many Americans who would say that.

One more before I yield back. Render Safe Mission, the RSM program; nine positions, three agents, six support personnel to address the White House directive, the White House directive, giving the FBI the mission to respond to devices involving weapons of mass destruction within the United States and its territories. Within the United States. This is not about Iraq. This is not about Afghanistan. This is about funding nine positions in this one specific field, people who are experts to keep this country safe.

I think the more we get into these programs, the more ridiculous some of these amendments seem. The American people would not support a 0.5 percent decrease in these programs, not a 1 percent decrease in these programs, not a 3 percent decrease in these programs. These are essential.

When you look at the money, Mr. Chairman, that has been wasted in Iraq on unbid, no-bid contracts, no oversight provided at all, when you look at the $14 billion we tried to get off the oil companies, that makes sense. Get that money. Don't get it on the backs of FBI agents who are going to be operating surveillance operations here in the United States.

Mrs. MUSGRAVE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Mr. Chairman, I want to thank the gentlelady for yielding. I rise in support of her amendment.

Mr. Chairman, I want to tell a story for you and other people that might be listening about a gentleman who was a wide receiver for the Atlanta Falcons. His name was Alex Hawkins. One night he didn't come home. He had a history of maybe carousing around and staying out a little bit too late. He didn't come home one night, so he snuck in the door early the next morning, and his wife said, ''Hawk, where have you been?''

He said, ''Well, I got in kind of late last night and didn't want to wake you

up, and I fell asleep outside in the hammock on the porch.''

She said, ''Alex, that hammock has been gone for a year.''

He looked kind of puzzled and he said, ''Well, Honey, that's my story and I'm sticking to it.''

That is what the other side is doing. They have a story, and they are sticking to it.

I want to give you, Mr. Chairman, a math problem. Other people who want to work this math problem can, too, but I want to give you a math problem. If you take $53.6 billion and you multiply it times 0.025 percent, Mr. Chairman, will you get more than $53.6 billion? I think you will. I think it will be an increase over that number. So what this amendment does, it gives an increase over last year's spending.

Now, did the FBI come in and say, We don't need any more money? I doubt it. So really and truly, if you want to take the kind of logic that the majority is taking because they can't do math very well, then the FBI could have come in and said, You know what? We want $10 billion more. Well, I can't give you that. So in reality, they are cutting the FBI from the request that they made even though they are getting more money.

□ 1500

Now, this is fuzzy math, I know, and, Mr. Chairman, for any young people that might be listening to this, I hope you don't get confused. I know all these speeches are somewhat, Mr. Chairman, like an algebra problem, but we are asking, this is an increase? It is an increase over last year for these FBI agents and these police officers. It is not a cut. I don't know how else to explain it.

And, you know, I'm sure that Alex Hawkins knew that his wife knew that he was lying, but that was his story, and he's sticking to it. The same thing goes to the majority party.

The sad part about this, Mr. Chairman, is when we're all going to realize the truth, and many of us realize it's the truth now, it is when the taxpayers of this country and those family budgets are getting judged.

Mr. ISRAEL. Mr. Chairman, may I inquire as to the time?

The Acting CHAIRMAN. The gentleman from New York has 6½ minutes remaining. The gentlewoman from Colorado has 4 minutes remaining.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio.

Mr. RYAN of Ohio. Mr. Chairman, I would like to continue the math analogy and the math equation here.

What do you get if you have a weapons of mass destruction directorate program that has 146 positions, and you cut that budget by .5 percent or 3 percent? Well, we won't get into the details, but you get less than 146 positions. That is a cut.

What do you get if you cut the Render Safe Mission program that wants to hire nine people, and you cut that by 1 percent? You're going to get less than the nine people.

Stop cutting national security.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from California.

Mr. SCHIFF. Mr. Chairman, I just want to say I enjoyed the Hawkins story, but I think if we were going to apply that analogy here, it would be this.

A police officer goes to you in your district office and says, Congressman, there was money in the budget for my bulletproof vest.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman will suspend.

Members are advised to address their remarks to the Chair.

Mr. SCHIFF. Mr. Chairman, I think the better analogy would be, the police officer goes to my friend and says, Congressman, there was money in the budget for my bulletproof vest. What happened to it? I don't have my vest.

And the gentleman said, well, we didn't cut the money for your vest; you're wearing it. But the officer says, I've got no vest on. And the Congressman says, that's my story, and I'm sticking to it.

It may be a good story, but it doesn't protect him from bullets.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of our time.

Mrs. MUSGRAVE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida.

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, I'm a little confused by this debate. I'm not the most sophisticated person in the world, but if you have an increase, and then you decide to reduce the size of that increase, it's still an increase.

You know, when you cut down to the chase, look, I think this is the question. Yes ask the American people, is the Federal Government so efficient, so perfect that it cannot absorb a slight reduction in the size of the increase, because it's so efficient that every single penny is used perfectly, and, therefore, a reduction in the size of an increase, oh, is devastating because we have such a perfect Federal Government that we can't even reduce the size of the increase?

Now, again, I'm not real sophisticated, but back home, if you get an increase, or you say I want a 10 percent increase, and if you have a real job, a normal job like most Americans, and they go to their bosses and say, hey, I would like a 5 percent increase in my pay, and the boss says, I can't give you a 5 percent, I'm going to give you a 4½ percent, is that a cut in salary, or is that an increase in salary, but half a percent less than what you asked for?

And again, if we thought that the Federal Government was so good, so efficient and so perfect that it can't absorb that, then don't support this amendment. But if you think that the Federal Government may be just a little bit imperfect, they might waste just a tiny bit of money, but maybe there's just a little bit of money that we could use elsewhere, then I would suggest, I'm not going to get into the rhetoric on the math, but again, if you think that the Federal Government could maybe absorb a little bit less of an increase, then this is a very modest decrease of the size of the increase.

I thank the chairman.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, the last comments I think demonstrate that this debate is in danger of descending into something that resembles a high school debate, and we appear to be edging toward having a dictionary debate, arguing about whether something is a ''cut'' or an ''increase''.

With all due respect, in an adult world, that's not the issue. In an adult world, the question is what is the size of the problem you're trying to attack, and is our response to it sufficient?

And with all due respect to those on the other side of the aisle who are objecting to this bipartisan product, with all due respect, we think we have a serious problem that requires a serious response.

In the area of law enforcement, we have seen our support for law enforcement grants drop by $1.6 billion since fiscal 2001. That is almost a 36 percent drop. That isn't a dictionary problem. That's a problem on the street for every community in America.

We also see at the same time we have a rise in the crime rate, which requires a response, regardless of our dictionary definition, and we also have an explosion of meth use. Have you ever seen how screwed up a kid can be after meth has gotten done with him? It's a godawful sight, and I've seen plenty of it.

So what we're trying to do is to have an adequate response, and the reason that we are having a significant increase in law enforcement funding this year is because we're trying to dig out from that hole that we've been put in since 2001 by these systematic reductions in law enforcement assistance, at the same time that the crime rate is rising.

And then the second thing we are trying to do is to recognize that we're going to have a lot more people in this society in the next 10 years. We're going to have a lot more low-paid workers all around the world from China to you name it competing with American workers for jobs, and we've got two ways to combat that. One is education, and the other is technology. And the only way we're going to stay on the cutting edge of technology is if we make much larger investments in the National Science Foundation.

Politicians in both parties fall over themselves talking about what they're going to do for the National Institutes of Health, but I don't hear many discussions about what we're going to do

to provide support for the even more basic science research that is then used by everyone else in this society to determine what kind of a future we have.

Without that investment in science, our economy lags. If our economy lags, our jobs lag. If our jobs lag, our wages lag, and that means that we wind up with a huge family income deficit. We wind up with a huge education opportunity deficit. We wind up with a huge scientific knowledge deficit, and that cripples our country's future.

And that's why we're not going to engage in this silly little debate about whether something is an ''increase'' or a ''cut''. The question is, does it have a good impact or a bad impact on America? And this amendment is being sponsored by people who know the cost of everything and the value of nothing. That's the difference between us.

Mrs. MUSGRAVE. Mr. Chairman, I ponder much of what the gentleman has just said. I certainly know about the scourge of methamphetamine in my district. As I said before, I have a son-in-law that I love dearly that's a policeman, so, Mr. Chairman, I hope the other side is not implying that we do not have concerns about these issues, because we do.

Another thing that I know, having talked to many police officers, one thing that they would really like to see is families raising their children, moms and dads caring for their children, nurturing them and teaching them and trying to steer them away from the very destructive path of getting on things like methamphetamine and just seeing their lives spiral downward.

So you know what I'm standing up for today, Mr. Chairman? I'm standing up for the American taxpayer. And, you know, maybe we do need a dictionary, and maybe we do need a thesaurus, and maybe we need to talk about semantics, but I want to say that we are looking at a situation here where the appetite is insatiable for increased spending. It's insatiable.

There is a day of reckoning. You know those charts that my dear friends, the Blue Dogs, put outside their office now. It's not $8.8 trillion. It's $8.9 trillion and growing. There is a day of reckoning. Those taxpayers that have to work until April 30 to get to tax freedom day, I mean, they're thinking about this spending in this Nation.

No matter how worthy the cause, we need spending restraint. We need to get on a path of fiscal discipline, and the American people understand that. No matter how worthy the cause for the spending is, there is a limited amount of dollars that the taxpayers can afford to pay.

So I'm hoping that we will move in the right direction, and I hope that we can have support for this modest 50 cents on $100 amendment.

The Acting CHAIRMAN. The time of the gentlewoman has expired.

Mr. ISRAEL. Mr. Chairman, how much time do I have left?

The Acting CHAIRMAN. The gentleman has 5½ minutes.

Mr. ISRAEL. Mr. Chairman, the gentlewoman has exhausted her time?

The Acting CHAIRMAN. She has. Her time has expired.

Mr. ISRAEL. Mr. Chairman, I will just make a brief point and then yield to the gentleman from Ohio.

With the deepest respect to the gentlewoman, no one is implying that there is not concern by every Member of this body for those who have drug problems, for those whose lives are being ruined by meth. But you can't just wish these problems away. Somebody's got to take responsibility for working to end those problems.

Just like you can't wish them away, you can't expect that they are going to be dealt with by cutting investments in antidrug programs or even cutting the rate of increase, if you want to use the other side's terms.

We've put $40 million in this bill for mobile enforcement teams for antidrug programs; not mobile enforcement teams in Iraq, mobile enforcement teams right here at home to help the gentlewoman's constituents with those problems, to provide for a better future. We're investing in that future. We can't just wish these problems away. You've got to respond to them, and that's what we are trying to do.

Now, if the other side made the argument that we could cut giveaways to big oil companies and cut offshore tax corporate giveaways and cut all this corporate welfare and then cut these important criminal justice programs, then their arguments would have more credibility. Their arguments lack credibility because they're saying we can afford all these corporate giveaways, but we can't afford enforcement teams on drug abuse, we can't afford more cops on the street while crime is increasing, we can't afford counterterrorism initiatives and extra agents at the FBI while al Qaeda is planning against us.

This is just a difference in priorities, Mr. Chairman. We are strong on crime. We also understand that if you're going to be strong on crime, you can't just say it, you've got to do it, and frankly, it takes investments to do it.

That's what this bill does, and that's why every Republican on the committee supported this bill when it was in the committee, and that's why this amendment will be defeated by Republicans and Democrats alike.

Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. RYAN).

Mr. RYAN of Ohio. Mr. Chairman, I thank the gentleman, and I just want to go through a little bit of the details here and some of the logic and some of the facts.

There's been an increase in crime. There's been an increase in methamphetamine use. So the committee said, as Mr. OBEY stated, in reaction to that, we're trying to, we'll do the southwest border and methamphetamine enforcement program, hire eight positions, four full-time equivalents, in order to attack a poly-drug-trafficking organization located along the southwest border by increasing DEA's intelligence gathering, detection monitoring and surveillance capabilities. Most of the methamphetamines coming into our country are made in California or in Mexico, out West, very close to the gentlewoman's district.

What this program does is it hires people to try to address this problem, and basically there's been a DEA hiring freeze.

□ 1515

We want to increase this. We want to spend money, invest in this program, one, because we will allow the DEA to hire more agents to address this issue that is growing, so you need to grow the agents that are going to address the issue.

But, two, this is going to save us money in the long run. When Mr. OBEY says the price of everything and the value of nothing, that's what we're talking about. Why wouldn't we want to make this small investment to try to prevent the long-term consequences of these young people with drug treatment, in prison, with insurance claims, this has a long-term ripple effect that will cost us 10 times the amount of money.

Finally, the gentlelady said, I hope you don't mean to say that we don't want to address this issue, or this issue isn't important to us. I think it's important to note that the President's budget, when he submitted it to the Congress of the United States, terminated this program. He cut it completely. He zeroed it out.

I hope our friends on Capitol Hill will take a walk down Pennsylvania Avenue and let the President understand the kind of importance that this program has and ultimately the amount of money that will save us.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mrs. MUSGRAVE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Colorado will be postponed.

AMENDMENT NO. 37 OFFERED BY MR. CAMPBELL OF CALIFORNIA

Mr. CAMPBELL of California. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. CAMPBELL of California:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. Each amount appropriated or otherwise made available by this Act that is not

required to be appropriated or otherwise made available by a provision of law is hereby reduced by 0.05 percent.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from California (Mr. CAMPBELL) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from California.

Mr. CAMPBELL of California. Mr. Chairman, in listening to all this discussion, I have to think that the taxpayers of America have to wonder what's going on here, that in this bill there has been a proposal to say, well, we'll let these government agencies spend 100 cents on the dollar, 100 percent of everything they had last year. Oh, it's terrible, we can't do that.

Then there was one at 102 percent of what they had last year. No, we can't do that. Then there is one at 102.5 percent of what they had last year. No, it's terrible. They can't do that.

So here's one more try. What this does is reduce the increase in spending by .05 percent. That is 5/100 of a percent. That leaves them with a whole lot of money and a lot more of an increase, almost the same increase they had last year.

Now, I am sure, Mr. Chairman, that the people of America can't understand why people on other side of the aisle, the majority Democrats, would have a problem with this. I can't understand it either.

I think perhaps they don't understand what this is. Now, this amendment would save the taxpayers $27 million. Now, that's real money, $27 million, by which the deficit will not increase. We have a deficit, and we are robbing the Social Security surplus. It's $27 million we would save the taxpayer.

I have five explanations, five examples I would like to give here to perhaps help my friends on the other side of the aisle understand just what this proposal is to see if there is anything, anything at all that they believe is possible to reduce spending. Is there any waste in government?

Is there anything government can do for only 103 percent of what they had last year? First of all, this does take the spending increase from 3.5 percent to basically 3.45 percent, basically the change in the interest. That's number one.

Number two, it still increases spending in these Departments by $1.574 billion over last year, $1.574 billion more.

Let me give a third example. This is a $100 bill. This represents how much the government is spending on these programs now. Here's three more dollars and five cents. This bill represents this bill as it's currently written, the $100 they had last year, three more and five more cents. Here, Mr. Chairman, is how much the government would have to get if this amendment were to pass, $100, $3, but not the 5 cents; 5 cents on $103. Somehow this is going to greatly damage programs and what we are doing.

Let me give a fourth example. The gentleman from Ohio mentioned in the last debate a particular function that he said would have 245 agents under their bill as proposed. If this amendment were to pass, how many agents would there be? Well, there would still be 245 agents, but you would have to tell one of those agents that they would only work a 7-hour day instead of an 8-hour day. That is the significance of this bill.

Now my final example, if we look at the entirety of this blue donkey as a complete government program as proposed by my friends on the other side of the aisle, we have seen a proposal already to have 99 percent.

Now, when you look at them, you may say, well, gosh, they look almost the same. That's because they are almost the same. I don't know if you or others can see the change we made, but what we did was we tried to reduce about 1 percent of the total donkey surface area up in the air, but, no, that's been rejected.

So we said let's make it 99.5 percent of what you want to spend, still an increase over the last year, but of what you want to spend a little more here. There is still not much difference, I think, to most people, but, no, can't do that.

So on the last bill I proposed a quarter of a percent cut. Quarter percent. Could you get by on quarter of a percent less of an increase than what's been proposed? That was ''no'' also.

Now we are trying again, 5/100 of 1 percent. Let me try to do that graphically here. I do have a blue marking pen, 99.95 percent of the increase that you want, you can hardly tell the difference. But if we do this on every bill, every bit of spending over the government, we will eventually start to save money.

This is the way it works. The average American taxpayer understands that, that if I put away $10 a week, $10 a month, eventually I will have quite a bit of money. But I have to have the discipline to do it. That's what we are trying to say here.

We have a deficit. We are robbing the Social Security surplus. One thing that is not in dispute is that we are heading for a fiscal train wreck. Within 30 years, Social Security and Medicare and Medicaid alone will eat up 100 percent of the taxes currently received. What are we going to do? Are we going to double or triple taxes, or are we going to reform those systems, reform government and start now?

Yes, it's 30 years from now, but if we don't start on it now, the problem will be closer and bigger and closer and bigger. We see that if the other side is not willing to do this, what will they do, other than increase taxes?

Now, we see tax increases going on now. We have seen a budget that includes either the largest or the second largest tax increase in American history, and right now we are seeing tax increases proposed by the Democrat majority on minority groups, on smokers, they are a small minority group. Then just this evening we will probably have one on foreign companies who are setting up businesses and creating jobs in America.

Now the other side I know says, oh, no, that's not a tax increase. I would like to read you a letter here. This is a letter from BART GORDON, who is a Congressman from the Sixth District of Tennessee, a Democrat, to the chairman of Ways and Means, and he says: ''Concerns have been raised by Bridgestone America, a company with facilities in my district, about the impact the proposed Farm Bill offset would have on them. Bridgestone is concerned that the 30 percent withholding tax imposed by the proposal would have a broad and negative impact on its legitimate international business operations.

''I understand the importance of ensuring that multi-national companies are not able to abuse tax loopholes to avoid paying taxes, but we must also be careful not to punish legitimate business practices and discourage foreign companies from insourcing operations in the United States. Concerns have also been raised about the effect this withholding tax will have on our international treaties.''

That, Mr. Chairman, is a Democrat, not a Republican, talking about this tax, this withholding tax. It's a potential impact on jobs in America and the potential impact on trade agreements we have with other countries that will affect the ability of American companies to do business overseas.

Now, it's quite a contrast, because that's what they are proposing. The majority keeps proposing tax increase after tax increase after tax increase, and they will start on minority groups, and they will move to everyone, because they can't get it done without everyone. All we're asking here, all we're asking here is 5/100 of a percent, one nickel on $100, a slightly less increase so we can begin the process of spending less, not taxing more.

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

Mr. ISRAEL. Mr. Chairman, I claim time in opposition.

The Acting CHAIRMAN. The gentleman from New York is recognized for 15 minutes.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from California.

Mr. Chairman, I have been sitting here listening for a while to the debate on this bill, and I have been struck by several issues that have come up that I think need to be mentioned. Some have been mentioned before, but some new ones.

I am often asked by school groups what's the difference between Democrats and Republicans? I say to them

the very quick definition is Democrats think they know how to spend your money better than you know how to spend your money. Republicans think that the less government we have, the better off we are; and the more money you are allowed to keep, the better off this country will be. I think that this debate certainly exemplifies that.

I agree with some of my colleagues who said before, the appetite of the Democrats is absolutely insatiable for increased spending. They never met a program they didn't love to spend money for. They would take every dime. They will take every dime, every penny from the American people that they can possibly take and spend it on programs they think are important.

They talk about investing government money. The government never invested any money. It spends money. The private sector invests money and gets results.

I would challenge my colleagues on the other side of the aisle. Show me the results of these spendings that you do, and then maybe you can argue a little bit about an investment.

The other thing that I am struck by is how much last year in this same debate that the Democrats said the free-spending President Bush, busting the budget, doing all this spending; and now they are coming here and defend programs that the President zeroed out because they were ineffective, and they want to put the money back in.

□ 1530

That is the height of hypocrisy. There is a limited amount of money that Americans have, but the Democrats don't know that. They want to take it all. And it is true that the budget they passed earlier this year contains the largest or second largest tax increase in America, and that to pay for their programs they are going to have to have more tax increase.

This amendment would save a small amount of money, $27 million, but it is a step in the right direction. We have got to start reining in spending, and those of us who have come here in the last few years understand that, those Republicans do, and we want to see the Federal Government more responsive to the American taxpayer, less profligate, and more interested in saving our freedom, not in taking it away by taking away our money and reducing our choices.

Mr. ISRAEL. Mr. Chairman, it warms my heart to know that the gentlewoman in her district visits schools and talks to local schoolchildren, and emphasizes those values of civility and tolerance and mutual understanding in our classrooms, and doesn't try to separate people by Democrats and Republicans.

I hope that the next time the gentlewoman goes into those schools and talks to those schoolchildren, and they ask her, Mr. Chairman, ''What are you doing to keep us safe from al Qaeda and the terrorists who are planning against us,'' that she will say to them, ''My proudest moment, young children, is that I cut the FBI budget by 0.05 percent, while approving tax cuts of $14 billion to the biggest oil companies on Earth.''

I think those children would rather be investing in the FBI to keep them safe than be giving away those billions and billions of dollars in tax cuts to the biggest oil companies in the America.

I reserve the balance of my time

Mr. CAMPBELL of California. May I inquire, Mr. Chairman, as to how much time is remaining on both sides?

The Acting CHAIRMAN (Mr. MCGOVERN). The gentleman from California has 2½ minutes remaining, and the gentleman from New York has 13 minutes remaining.

Mr. CAMPBELL of California. I reserve the balance of my time.

Mr. ISRAEL. Mr. Chairman, I reserve the balance of my time.

Mr. CAMPBELL. I yield the balance of my time to the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, this has obviously been a spirited debate by men and women on both sides of the aisle who I respect. But I do think if the American people are watching this debate, and I hope they are, we need to dispose of one issue very clearly, and that is there is indeed a dictionary over on that part of the floor, and every amendment that was brought here today is either going to increase spending in this account or level funding. But according to the logic of our friends on the other side of the aisle, if you fund something at a lesser quantity than somebody else wants it, then you have a Draconian cut. Well, if they are increasing this bill 3.1 percent, that is a cut below 3.5 percent. It is a cut below 4 percent.

If all these programs are so good, why did you cut them? Why didn't you increase it 6 percent? Why didn't you increase it 8 percent? So let's dispose of that argument right now.

Again, the only budget that is being cut here, Mr. Chairman, is the family budget. And the family budget is being cut as part of this single largest tax increase in American history contained in the Democrat's budget resolution, which I know they tried to run away from. Now, they said earlier that: We know the cost of everything and the value of nothing. Maybe they need to know the value of hard-earned paychecks in American families.

So they need to think about the Zapata family in Kaufman, Texas, because when they put their tax increase on them, let me tell you what the Zapatas have to say. ''If taxes on my family are increased that much, this could seriously affect my life. My mortgage is adjustable and will most likely go up. If the taxes go up, it would be devastating, and I could face foreclosure.''

They don't know the value of the paycheck to the Brooker family in Wills Point. ''No increase in taxes. My family is one breath away from losing our home as it is.''

Those are the budgets that are being cut today, Mr. Chairman, not only by the single largest tax increase in American history, but they are about to bring a tax increase to try to fund their farm bill by taxing jobs. They are saying somehow foreign companies are evil when they come to America and they invest and create jobs, in my district among other districts.

So there is a real choice here: Increase the family budget, or increase the Federal budget. We come down on the side of the family budget.

Mr. ISRAEL. Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I thank my colleague from Texas for reading a letter from constituents out in the State of Texas. But I wonder how that family in Texas would feel if that family were asked: Do you think that we should continue to allow oil companies to earn the greatest profits in the history of any industry, in the history of the world? Or, do you think we ought to take some of those oil revenues and devote them to putting more cops on the street? I think that family would say, ''You know, I would be willing to pay a little less at the pump or have the oil company earn a little less at the pump if it meant pumping a little more of that money into the FBI to keep me safe, or if it meant another bulletproof vest for a police officer.'' I think that family would say the record profits of that industry, that we had a chance to actually take some of those resources and plow it into this country, invest in this country, I think that family in Texas would say, ''That means more to me than making sure that these companies enjoy corporate welfare and astounding profits.''

Now, my friend says this is only a $31 million cut. How much difference could that really make? But my friend isn't willing to say where he would cut the money. He wants to spread it around. But he used the example of the FBI. Let's say we devoted this entire cut to the FBI, and it simply means that you would have one FBI agent working a few less hours. Instead of working maybe an 8-hour day, 5 8-hour days, they would work 4 8-hour days and a 7-hour day. Well, I don't know how much they are paying FBI agents in my friend's part of the State; I am from a different part of California. I don't think they pay them all that much. I think if you cut $31 million out of the FBI, you are cutting a lot of positions out of the FBI.

Mr. CAMPBELL of California. Mr. Chairman, will my colleague yield?

Mr. SCHIFF. My colleagues have already had 15 minutes.

Mr. CAMPBELL of California. Just to answer your question.

Mr. SCHIFF. I am not yielding my time. My colleague had 15 minutes to try to make his point.

So I don't think cutting $31 million out of the FBI makes sense. And this gets back to the question that our Chairman posed: What is the need? And are we devoting the resources that meet that need?

The need that I am hearing, the need that our Homeland Security Committee is hearing, the need that the 9/11 Commission recognized is the need to make greater investments in the safety of our country. That is the need that we are recognizing in this bill.

Do we need those extra FBI agents? Yes, I think we do. Do we need those extra cops on the beat? Yes, I think they do. I wish my friends in the opposition who fight so hard for our friends in the gun industry would fight half as hard for our cops to have the best that they need here in this debate on the House floor today.

I think we need to make these investments in our future. I think we need to make these investments in our American family. And, I think that my colleagues in the minority here, not in the minority party, because, again, this bill enjoys the support of the bipartisan majority. But the minority viewpoint that is expressed here today, I think they need to ask: What would these families choose, if we give them the real choice, not between whether they invest in the FBI or they don't invest in the FBI, but whether they invest in the FBI by ending corporate welfare for oil companies? I think the answer would be yes. I think the answer would be absolutely. And I think the answer would be, we want to invest in the country, make it stronger, make it safer, give our children a chance to grow up in safer neighborhoods.

That is the answer I think that letter writer and others around the country would give and have given, and that is why I urge this amendment to be defeated.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I yield to the gentleman from California.

Mr. CAMPBELL of California. I thank the gentleman from New Jersey.

I just wanted to clarify that my colleagues' arguments from California were very fine arguments, except they don't apply to this amendment. This amendment does make a 0.0005 or 5 basis points, one-five-hundredths of a percent reduction in the growth of each program equally across the board. So it is 5 cents on $100 of everything.

I appreciate the argument. It is clear that our friends on the other side of the aisle believe that government cannot survive on this, but they believe that all kinds of people, companies, entities can survive on a whole lot less than that with the taxes they want to increase. It is a very clear distinction, Mr. Chairman, between 5 cents on $100 across the board on every program, which I think would be fine, versus all of the various tax proposals, increase proposals, that you have both on various minorities, like smokers and foreign companies, and in your budget on basically every taxpayer in America.

Mr. ISRAEL. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

Again, I would just point out that my friend hasn't shown any willingness to trim the profits of his friends in the oil industry by 0.00000005, which would amount to probably about the same $31 million we are talking about here. He is only willing to take that $30 million out of our law enforcement efforts across the board, but not out of oil industry profits. And that is the difference in philosophy, I think, between my colleague and myself.

MR. ISRAEL. Mr. Chairman, during this debate we have seen all sorts of charts and heard about all sorts of numbers and saw a display of dollars. Here are the statistics that count, Mr. Chairman:

The past 2 years, violent crimes in America are up 3.6 percent. Federal law enforcement grants have declined 46 percent. So, under their leadership, Mr. Chairman, Federal support for local law enforcement has already been cut 46 percent; now we are saying we should cut it another five-hundredths of a percent.

FBI counterterrorism casework is up 100 percent. Meanwhile, FBI investigative resources are down 29 percent.

So what we have here, Mr. Chairman, is more criminals on the streets, and an attempt to reduce investments in cops on the streets. What we have here, Mr. Chairman, is a bigger caseload of potential terrorists, and the FBI being told, ''Shave your budgets.'' That is how far some ideologues will go, Mr. Chairman.

I can't imagine any American watching these proceedings, and then hearing the news, learning about the National Intelligence Estimate, which says that al Qaeda is proliferating and regenerating, and saying, ''Now is the time to cut the FBI budget,'' or, ''Now is the time even to reduce increased investments in the FBI.''

Al Qaeda is not cutting the rate of their increase, Mr. Chairman. Terrorists are not cutting the rate of their increases, Mr. Chairman. This is not the time to begin cutting these budgets.

The other side is talking about specific reductions in the number of FBI agents on counterterrorism cases. They are talking about a specific reduction in the number of deployments of cops on the street; crime going up, Federal law enforcement grants going down. There is a correlation between the two. And now we add insult to injury by saying, let's cut it another 0.05 percent, or one-five-hundredths of a percent.

I want to close, Mr. Chairman, by reminding the Chairman and the American people through the Chairman that this debate really isn't about one-five-hundredths of a percent; it is about what priorities make sense to the American people: $14 billion tax cuts to the biggest oil companies on Earth, or 2,800 cops on the street; $90 billion in tax shelters for offshore companies that register their headquarters in Bermuda to avoid paying their fair share of taxes here, or more cops on the street?

□ 1545

The gentleman talked about a family in his district. I don't know of any family in my district that gets to sit at their table, their kitchen table with their accountant and be given the advice that they should register themselves at a P.O. box in Bermuda to avoid paying their fair share of taxes in the United States. You know what they want for their tax dollars? Cops on the street, FBI agents protecting them. That's what they want. They don't have the right to just go off to Bermuda, register themselves at a P.O. box and not pay taxes.

We understand that every tax dollar has to be jealously safeguarded, and that's what we do in this bill. The difference between us is not one-five-hundredth of a percent. The difference between us is $90 billion. They would rather spend that $90 billion on those offshore companies with P.O. boxes in Bermuda. We would rather spend a fraction of that making sure that there are cops on the street, that kids are protected from meth, that women don't have to deal with domestic violence, that they can be prosecuted, that the FBI has counter-terrorist agents, that they have investigative resources. Because as I said before, all the statistics bear it out, crime is increasing. Terrorists are proliferating. They are not cutting their budgets. They are not cutting their numbers. They are not even cutting their rate of increase. And we should not turn our backs and allow them this advantage, their advantage in the name of a one-five-hundredth of a percent cut in this budget.

This isn't substance. This is politics. And if it weren't so serious, it would be silly.

We want cops on the street and counter-terrorist agents with the FBI. That's what the American people want. That's why every Republican on the Appropriations Committee supported this bill. And that is why, at the end of this debate, we go back to where we were at the beginning of this debate.

This is a small group of Members, a fringe group of Members who say 3 percent's not enough, 2 percent's not enough, 1 percent's not enough. We're going to go to one-five-hundredth of a percent to make our case.

Every single one of those amendments has been defeated on every single one of these bills because Republicans and Democrats in the mainstream know better. We understand the priorities of the American people. And

that is why this amendment will face the same fate as all the other amendments before them. It will be defeated.

And Mr. Chairman, let me make one other point. With all due respect to my friends, they have spent more taxpayer dollars prolonging this debate offering amendment after amendment after amendment, keeping this House in session when every single one of these amendments was defeated, than the one-five-hundredth of a percent cut that they're offering today.

I would suggest to the other side that they could save taxpayers a lot more money by doing these amendments once, getting them over with, let them get defeated as they always have, and let this Congress go on with the business of the American people and putting cops on the street and investing resources in the FBI to keep them safe.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. CAMPBELL).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. CAMPBELL of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. CONAWAY

Mr. CONAWAY. Mr. Chairman, I offer an amendment.

Mr. MOLLOHAN. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The Acting CHAIRMAN. A point of order is reserved.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CONAWAY:

At the end of the bill (before the short title), insert the following:

SEC. ____. It is the sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Texas (Mr. CONAWAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. CONAWAY. Mr. Chairman, in the immortal words of Doc Holiday in Tombstone, ''Our hypocrisy knows no bounds.'' Both sides equally applied.

The arguments earlier that half of a percent cut, 5 basis points of a cut, as if that's some sort of a draconian decision to be made, the truth of the matter is the committee, the subcommittee had a fixed amount of money to work with, and they chose to make some trade-offs. They chose to fund more here and less here, more here and less there. But none of those decisions that they made were couched in the terms of some sort of mean spiritedness.

And at the risk of prolonging the debate, which I think is an important debate for us to have, I'm going to offer up an amendment that I know has a point of order which stands against that.

Before I do that though, I'd like to quote something from Justice George Sutherland. A lot of us heard earlier about the way tax planning is done, used, misused, and it was used in the pejorative; that only big oil companies or other companies could use the code that we currently have in place, that you and I and our colleagues put in place, to affect their tax affairs and that families don't get to do that. Well, I would argue based on this quote: ''The legal right,'' and that's a right, ''of a taxpayer to decrease the amount of what otherwise would be his or her taxes, or altogether avoid them by means which the law permits, cannot be doubted.'' Gregory v. Helvering, Justice George Sutherland.

So as we listen to this debate about how much we ought to spend, let's understand that we put in place this code, and if we don't like the way that's done, then there are forums to debate that, and we ought to have that debate. But let's not denigrate people who are using the code we put in place to lower their tax liability and call that some sort of a pejorative.

This is the classic argument that you cannot throw enough money at any subject to fix it. And that's what we heard from the other side; that the more money you throw at it, the more you're going to fix the problem. And I don't necessarily agree with that.

My colleagues on the other side used the word ''take'' in reference to revenues from oil companies, and that's exactly what they would intend to do. They would take those revenues and spend them the way they would like to. Legitimate way of doing government.

I'll also argue that in the next 2 weeks we may have some sort of a conversation about an energy bill, and during that time frame we will argue vociferously that there's enough in reinvestment in domestic sources of energy, and those revenues taken from these mean, ugly oil companies would otherwise go back into that reinvestment into energy.

So, as I mentioned, our hypocrisy knows no bounds.

My amendment is simple. All of this great work that's been done, and bad work according to our colleagues on the other side, or wasteful work according to our colleagues on the other side, to try to reduce spending in the bill is for naught.

In addition to the ringing defeats that my colleagues endure, were they to be successful, the rules of this House do not allow those cuts to actually be implemented. If my colleague had actually won the argument that we could trim 5 cents out of $100 out of this budget, whichever budget, that money would still get spent. The money that stays within the 302(b) allocation, which is code for inside the beltway stuff, but then would simply not get spent. And so we've spent hours and hours and hours down here debating, trying to reduce the spending in a particular bill.

The harsh reality is that were we to win some of those amendments, it would simply be a piratic victory, because that money would still get spent.

My amendment, sense of Congress, would say were we to win one of those arguments, that money, the reduction in spending would actually go against the deficit, or, heaven forbid, that we would ever be in a surplus circumstance, that money would increase the surplus.

So this is something I'm trying to point out on each one of our bills, that we've got a goofy set of rules that only you and I understand, only you and I appreciate, and maybe only appropriators embrace, that does not allow all of this hard debate and work to really mean anything at the end of the day.

And so while I challenge my colleague's characterization of our use of this debate time as wasteful in some way, I think it's important for the American people to understand as they go about managing their affairs that we couch the terms of managing our affairs, their affairs through us, in those kinds of terms.

So, Mr. Chairman, I understand that a point of order lies against this, and I will not prolong the debate much further. I ask unanimous consent to withdraw my amendment.

The Acting CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States.

The Acting CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield a moment to the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. Mr. Chairman, we have reviewed the amendment, think it's a good amendment, and we are willing to accept it.

Mr. GARRETT of New Jersey. Reclaiming my time, I appreciate the chairman's acceptance of the amendment. I will just spend 30 seconds just for the edification of the membership of the conference as well what the amendment does.

This amendment harkens back to the days when, not too long ago actually, the various Federal Government agencies, when taking part in international conferences overseas, would send upwards of 70, 80, 90, 100, over 100 members of their Departments or agencies to these various conferences, spending, obviously, an excessive amount of taxpayers' dollars. And as we've heard from both sides of the aisle in an appropriate manner, we are here to set priorities. And I agree with the effort on both sides of the aisle, and that's exactly what this amendment does. It says let's pick a reasonable number, in this case it's 50, a limitation as to the number of members of any agency to go on these international conferences.

This amendment has been accepted in the past, and once again I appreciate the chairman accepting this amendment. I'm not sure whether the ranking member is also in agreement with it 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 New Jersey (Mr. GARRETT).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. STEARNS of Florida.

An amendment by Mr. FLAKE of Arizona on the Lobster Institute.

An amendment by Mr. FLAKE of Arizona on the East Coast Shellfish Research Institute.

Amendment No. 25 by Mr. PENCE of Indiana.

Amendment No. 41 by Mr. UPTON of Michigan.

An amendment by Mr. JORDAN of Ohio.

An amendment by Mr. PRICE of Georgia.

An amendment by Mrs. MUSGRAVE of Colorado.

Amendment No. 37 by Mr. CAMPBELL of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. STEARNS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 202, noes 212, not voting 23, as follows:

[Roll No. 734]

AYES—202

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

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gonzalez
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
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
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Rodriguez
Ros-Lehtinen
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
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—23

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Gutierrez
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Paul
Shays
Spratt
Tierney
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is 1 minute remaining in this vote.

□ 1623

Messrs. INSLEE, HOLDEN, BAIRD, DINGELL and MITCHELL changed their vote from ''aye'' to ''no.''

Mr. BILBRAY and Mr. KAGEN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on the Lobster Institute on

which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 87, noes 328, not voting 22, as follows:

[Roll No. 735]

AYES—87

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Chabot
Coble
Conaway
Cooper
Deal (GA)
Dreier
Duncan
Everett
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goodlatte
Graves
Hall (TX)
Heller
Hensarling
Herger
Hill
Inglis (SC)
Issa
Jindal
Johnson (IL)
Keller
Kingston
Kline (MN)
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
Miller (FL)
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (NE)
Stearns
Tancredo
Terry
Thornberry
Weldon (FL)
Westmoreland
Wilson (SC)

NOES—328

Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
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
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—22

Abercrombie
Baird
Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Hunter
Johnson (GA)
Jordan
Kennedy
King (IA)
LaHood
Michaud
Musgrave
Paul
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There is less than 1 minute remaining in this vote.

□ 1628

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on the East Coast Shellfish Research Institute on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 77, noes 337, not voting 23, as follows:

[Roll No. 736]

AYES—77

Akin
Bachmann
Barrett (SC)
Barrow
Barton (TX)
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Broun (GA)
Burton (IN)
Buyer
Campbell (CA)
Cannon
Chabot
Coble
Conaway
Cooper
Deal (GA)
Dreier
Duncan
Ehlers
Feeney
Flake
Foxx
Franks (AZ)
Gingrey
Graves
Heller
Hensarling
Herger
Hill
Inglis (SC)
Issa
Jindal
Johnson (IL)
Keller
Kline (MN)
Lamborn
Linder
Mack
Marshall
McCarthy (CA)
McCaul (TX)
McHenry
Mica
Miller (FL)
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Ramstad
Rohrabacher
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Stearns
Sullivan
Tancredo
Terry
Thornberry
Weller
Westmoreland
Wilson (SC)

NOES—337

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baker
Baldwin
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley

Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
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
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—23

Baird
Brady (TX)
Burgess
Cantor
Carter
Castor
Christensen
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Fossella
Garrett (NJ)
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Paul
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1632

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 25 OFFERED BY MR. PENCE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. PENCE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 215, noes 205, not voting 17, as follows:

[Roll No. 737]

AYES—215

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Chabot
Clay
Coble
Cole (OK)
Conaway
Costello
Cramer
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kind
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Myrick
Neugebauer
Nunes
Oberstar
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Schmidt
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Young (FL)

NOES—205

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carson
Castle
Chandler
Christensen
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kirk
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Sutton
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 45 seconds remain in this vote.

□ 1638

Mr. ENGLISH of Pennsylvania and Mr. LEWIS of California changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 41 OFFERED BY MR. UPTON

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. UPTON) 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 CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 16, not voting 17, as follows:

[Roll No. 738]

AYES—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chabot
Chandler
Christensen
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, 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
Faleomavaega
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 (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
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
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Petri
Pickering
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 (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
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)
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

NOES—16

Blackburn
Cannon
Inslee
Johnson, Sam
Jones (NC)
Lewis (CA)
Linder
McCrery
Paul
Peterson (MN)
Peterson (PA)
Pitts
Simpson
Tancredo
Walsh (NY)
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Musgrave
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 30 seconds remain in this vote.

□ 1642

Mr. ABERCROMBIE and Mr. WELCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. JORDAN OF OHIO

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. JORDAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 282, not voting 17, as follows:

[Roll No. 739]

AYES—138

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—282

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)

Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Herger
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in this vote.

□ 1645

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PRICE OF GEORGIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. PRICE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 261, not voting 17, as follows:

[Roll No. 740]

AYES—159

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Broun (GA)
Brown (SC)
Buchanan
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Keller
Kingston
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOES—261

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Gilchrest
Gillmor
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reichert
Renzi
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hobson
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains on the vote.

□ 1649

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. MUSGRAVE

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado (Mrs. MUSGRAVE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 235, not voting 16, as follows:

[Roll No. 741]

AYES—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Castle
Chabot
Coble
Cole (OK)
Conaway
Cooper
Crenshaw
Cuellar
Culberson
Davis (KY)
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kingston
Kirk
Kline (MN)
Lamborn
Levin
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf
Young (FL)

NOES—235

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

NOT VOTING—16

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Young (AK)

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members are advised 1 minute remains in the vote.

□ 1652

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 37 OFFERED BY MR. CAMPBELL OF CALIFORNIA

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CAMPBELL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 192, noes 228, not voting 17, as follows:

[Roll No. 742]

AYES—192

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

NOES—228

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Chandler
Christensen
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks

Dingell
Doggett
Doolittle
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Frelinghuysen
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reichert
Renzi
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
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—17

Brady (TX)
Burgess
Carter
Castor
Clarke
Cubin
Davis, David
Davis, Jo Ann
Fortuño
Hunter
Johnson (GA)
Jordan
King (IA)
LaHood
Michaud
Smith (TX)
Young (AK)

□ 1656

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DAVID DAVIS of Tennessee. Mr. Chairman, due to a meeting with the President at the White House this afternoon, I was not present to cast my votes on rollcall votes 734 through 742. Had I been present, I would have voted yea on the Stearns amendment—rollcall 734, ''aye'' on the Flake amendment—rollcall 735, ''aye'' on the Flake amendment—rollcall 736, ''aye'' on the Pence amendment—rollcall 737, ''aye'' on the Upton amendment—rollcall 738, ''aye'' on the Jordan amendment—rollcall 739, ''aye'' on the Price of Georgia amendment—rollcall 740, ''aye'' on the Musgrave amendment—rollcall 741, and ''aye'' on the Campbell amendment—rollcall 742.

PERSONAL EXPLANATION

Mr. JORDAN of Ohio. I was at the White House this afternoon with several of my colleagues to brief the President on our recent trip to Iraq. As a result, I was absent from the House Floor during a series of rollcall votes.

Had I been present, I would have voted ''aye'' on rollcalls 734, 735, 736, 737, 738, 739, 740, 741, and 742.

Mr. MOORE of Kansas. Mr. Chairman, with today's passage of the fiscal year 2008 Commerce-Justice-Science appropriations bill I am pleased to acknowledge the inclusion, in this important legislation, of funding to begin the implementation of the National Windstorm Impact Reduction Program.

In 2004, the National Windstorm Impact Reduction Act, legislation championed by Rep. RANDY NEUGEBAUER and myself, became law. On its road to passage, H.R. 2608 (P.L. 108–360) enjoyed widespread support in both the House and the Senate. The enactment of this legislation established the interagency National Windstorm Impact Reduction Program (NWIRP) to improve windstorm impact assessment and streamline the implementation of federal mitigation efforts to minimize loss of life and property due to severe windstorms like hurricanes and tornados.

All states and regions of the United States are vulnerable to windstorms, and we all share in the cost of repairing the several billion dollars in economic damage caused each year by these storms. Vulnerabilities also continue to grow as our communities grow, but improved windstorm impact measures have the potential to substantially reduce future losses. Sadly, up to this point few resources have been committed to research and program coordination in this area, and no funding has been appropriated to begin the implementation of the NWIRP.

While federal programs cannot eliminate the occurrence or dangers of future windstorms, the programs authorized as part of the NWIRP, if properly funded, will help policymakers, private industry, and individual homeowners adopt strategies for reducing risks to human life and economic loss. The NWIRP also provides an important new opportunity to initiate badly needed research to understand how wind affects structures, to enhance windstorm damage collection and analysis, and to develop and encourage the implementation of mitigation techniques.

The language included in the House version of the fiscal year 2008 Commerce-Justice-Science appropriations bill will direct much needed funding to the National Science Foundation, the National Oceanic and Atmospheric Administration, and the National Institutes of Standards and Technology that will allow each agency to begin the implementation of each distinct component of the NWIRP for which it is responsible. Again, I am very pleased with the inclusion of this funding in the House version and strongly encourage its inclusion in any conference agreement on this legislation.

Mr. CONYERS. Mr. Chairman, I rise in support of this vitally important appropriations bill that addresses a wide range of our nation's critical needs. H.R. 3093, the Commerce, Justice, Science, and Related Agencies Appropriations Act of 2008 provides local communities with the help they need to keep our streets safe; makes significant increases into scientific research to keep our Nation's economic preeminence in the world; and bans civil rights and privatization abuses furthered by the Bush administration.

Last year, the FBI reported that violent crime had its biggest increase in over a decade. Under Republican control from 2001 to 2006, funding for state and local law enforcement grants was cut from $4.4 billion to $2.5 billion—a 43 percent decrease. This bill reverses those trends, making major investments into restoring state and local law enforcements grants. It appropriates $725 million for Community Oriented Policing Services (the COPS program)—$693 million over the President's request and $183 million above 2007—to support local law enforcement agencies, including $100 million for the ''COPS on the Beat'' hiring program, not funded since 2005. The Congressional Research Service estimates that 2,800 new police officers can be put on America's streets with these funds. The President's budget would have cut these grants by 94 percent.

H.R. 3093 also funds the Office on Violence Against Women at $430 million, $60 million above the President's request and $48 million above 2007, to reduce violence against women, and to strengthen services to victims of domestic violence, dating violence, sexual assault, and stalking. It provides $1.3 billion for the Office of Justice Programs for grants to state and local organizations to fund activities like crime prevention, the State Criminal Alien Assistance Program, Drug Courts and Byrne Grants. It also appropriates $400 million for the Office of Juvenile Justice and Delinquency Prevention for state and local grants to address the problems surrounding juvenile offenders, including $100 million for a competitive youth mentoring grants program.

To keep our Nation's economic preeminence in the world we need to stay on the cutting edge of science and technology. To that end, H.R. 3093 makes significant investments in scientific research at the country's top agencies devoted to science. It provides $28 billion, $2 billion above 2007 and $1 billion above the President's request, for science and science education as part of the Innovation Agenda to keep America competitive in the global market. The bill also tackles the enormous challenge of global climate change, with $1.86 billion for research and development projects to study what is happening, what could happen, and what we can do about it.

The bill also funds other essential federal programs including the Legal Services Corporation, for civil legal assistance to people who are unable to afford it, allowing an additional 31,000 low-income client cases to be concluded. The program was funded at $400 million in 1995 and has been cut repeatedly since. A 2005 study found that for every eligible person served, another was turned away due to lack of resources. This bill provides $377 million for that program, $28 million above 2007 and $66 million above the President's request. H.R. 3093 also appropriates $333 million for the Equal Employment Opportunity Commission, to reduce the backlog of pending cases—projected to increase 70 percent from 2006 to 2008 under the President's request—and requires that all complaint calls be handled by EEOC employees, cancelling the outsourcing of this service.

Finally, the Commerce, Justice and Science Appropriations bill prohibits administration policies that have infringed on our civil rights and curbs privatization policies that have led to waste, fraud and abuse. H.R. 3093 bars the FBI from authorizing National Security Letters in contravention of the law, a practice that we

have examined in the Judiciary Committee. The Justice Department's Inspector General has found multiple instances of FBI abuses and misuses of its authority in issuing these letters. The bill also prohibits the privatization of work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Inc. It also allows federal employees the same appeals rights as contractors after decisions are made on public-private competitions.

Mr. Chairman, I am pleased to support this bill because it gets us back on the right track after six years of misguided cuts whose disastrous effects are now becoming apparent with the FBI's latest crime statistics. This legislation deals literally with life and death issues that need to be given adequate resources. H.R. 3093 will put more police on our streets, aid crime victims, help juvenile offenders get their lives back on track, and provide critical legal services to those who can't afford it. It also makes vitally important investments in our Nation's economic future by encouraging scientific research. Finally, it protects us from government and contractor abuses. The New Direction Congress is once again working to align the priorities of the Federal Government with the needs of the American people.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in support of H.R. 3074, the FY08 Commerce, Justice, Science, and Related Agencies Appropriations bill.

I want to thank the Chairman OBEY, Chairman MOLLOHAN, Ranking Member FRELINGHUYSEN, and the Appropriations Committee for their hard work on this piece of legislation.

This bill will keep our communities safe by providing increased funding for the Community Oriented Policing Services Grants Program and the Byrne Justice Assistance Grants Program.

Both of these programs assist our law enforcement agencies by providing grants for the hiring of additional police officers.

The CJS Appropriations bill also provides assistance for the Office on Violence Against Women.

The COPS program, Byrne Justice Assistance Program, and the Office on Violence Against Women would not have been severely under funded in the President's budget and I commend the committee for their work to fund these vital programs.

This bill also contains vital funding for two projects in my district: the Houston YMCA of Greater Houston's Apartment Outreach Project and the Harris County Integrated In-Car Mobile Technology Project.

The YMCA's Apartment Outreach Project will provide for staffing and supply costs for this program which combats youth crime and gang activity in Houston's apartment complexes.

The Harris County Integrated In-Car Mobile Technology Project will provide county sheriff officers with mobile data computers to link with license plate recognition technology.

Unfortunately, this bill does not provide funding for several projects that I strongly support.

These projects would have provided funding for the Harris County, TX to acquire a 10 acre tract of land for the Buffalo Bayou Partnership plan to redevelop the bayou and funding for Houston Community College to purchase equipment for training programs conducted by its Public Safety Institute.

While it is impossible to fund all of the projects that we request, I believe that these programs need federal funding.

Ms. MATSUI. Mr. Chairman, I rise today today to express my support for the National Textile Center. Textiles are an important part of our daily life and of our Nation's economy. It is imperative that we remain internationally competitive in this industry. The National Textile Center does exactly that—ensure that the fiber, textile, and apparel industries in our country have the research and innovations needed to continue to be viable and competitive.

The National Textile Center is a consortium of eight coordinated locations across the country. They have come together in a nationwide effort to promote research and education in developing new and innovative fabrics and materials. These are important collaborative centers that develop new fibers, fabrics, and manufacturing methods with broad ranging applications.

I am proud that one of the partners of the National Textile Center is the University of California Davis. Their participation in this national research consortium benefits the education, workforce development, and economy of the Sacramento region and our entire country. A key project at U.C. Davis funded by the National Textile Center is the development of new personal protection clothing to keep our first responders and military safe. We cannot turn our backs on these vital workers, whom we trust with the health and safety of our Nation.

The National Textile Center funds important interdisciplinary collaborations that translate to many other industries. Basic research funded by this important consortium has applications that will reverberate in many fields, such as biomedical applications, electronics, and nanotechnology. I urge my colleagues on both sides of the aisle to join me in supporting funding of the National Textile Center. We need to oppose efforts to strike funds from this important program that benefits constituents nationwide.

Mr. GINGREY. Mr. Chairman, as we begin debate on the FY2008 Commerce, Justice, Science Appropriations bill, I want to highlight the National Textile Center (NTC). The NTC is a 15-year-old grant program that supports research at nine member universities, including Georgia Tech, and is the main source of innovation for U.S. textile, fiber and apparel industries. In Georgia, the textile, fiber and apparel industry is the state's largest manufacturing employer with annual payroll of $500 million. It is imperative that this industry continue to benefit from the infusion of new ideas and talent that is the basis of the programs of the National Textile Center. National Textile Center projects in Georgia have lead to improving Georgia industry processes including new approaches to carpet recycling and new environmentally friendly approaches to dyes and bleaches that lower costs, increase competitiveness, and improve the local plant environmental impact. Outside of helping the textile industry respond to rapidly changing market demands, the NTC has also inspired and trained highly skilled talent for the U.S. textile industry and created educational opportunities in science, engineering, and technology for U.S. citizens and permanent residents from K–12 through the doctoral level.

Mr. Chairman, the National Textile Center has clearly been an excellent steward of past funding provided by the Department of Commerce. With this in mind, I ask Chairman MOLLOHAN, Ranking Member FRELINGHUYSEN, and my colleagues in both bodies to preserve current funding and remember the importance of this program during the Conference process.

Mrs. BOYDA of Kansas. Mr. Chairman, when most of us think about law enforcement, we imagine police patrolling the streets, or we think of lawyers and judges in a courtroom. But there's another chapter to the law enforcement story. Once a criminal has been caught, tried, and convicted in federal court, the U.S. prison system is charged with detaining him—sometimes for the rest of his life.

Just as Congress talks about supporting police and protecting judges, we need to talk about supporting our prisons. In recent years we have seen the Federal inmate population grow without a corresponding increase in the number of corrections officers. This is a dangerous situation that we cannot allow to continue.

Since 1980, the population of inmates in Federal prisons has increased from 24,000 to almost 200,000—an 830 percent increase. Unfortunately, funding hasn't increased nearly that fast, and too many facilities are facing staffing shortages. Right now, Federal prisons are overcrowded by about 37 percent.

Frankly, that isn't right. We can't claim to be tough on crime and neglect our prisons. Congress has to provide enough funding to the Bureau of Prisoners to ensure the safety of our guards and the quality of our prisons.

As a member of the House Corrections Caucus, last month I authored a letter to the House Appropriations Committee requesting increased funding for the Bureau of Prisons. Together, we requested $427 million over 2007 for the Bureau of Prison's ''salaries and expenses'' account and $210 million for the ''buildings and facilities'' account. Unfortunately, resources are stretched thin and that amount could not be met.

In order to continue managing the increasing prison population and providing a safe work environment for our correctional officers we need to provide the BOP with the necessary funding. We must ensure that the BOP receives the funds it needs to conduct maintenance on current facilities and build the new facilities necessary to deal with overcrowding.

Congress can never remove all of the risk from the job of guarding a prison. Risk accompanies any law enforcement job. But we can provide the resources to help our guards do their jobs as safely as possible and demonstrate that we are tough on crime.

Mr. WELDON of Florida. Mr. Chairman, today I rise to explain the purpose of two amendments I submitted to H.R. 3093, the Commerce, Justice, Science Appropriations Bill of 2008. While I had planned to offer these amendments, I was disappointed that just prior to offering my amendments to the bill on the House floor, was informed that the Chairman of the Appropriations Subcommittee on Commerce, Justice, Science was going to object to my amendments and insist on a point of order against them. After discussion with the Parliamentarian, who said the point of order would be upheld on a technicality, I decided to not offer my amendments. I am disappointed that the Democrat majority chose to object to my amendments on a technicality, particularly when you consider that technical objections were waived for a host of other provisions in

this same bill. I believe if is important to explain here and get on the record the substance of these amendments and why they are critical to securing our homeland.

My first amendment (No. 14) would have tied funding for the Community Oriented Policing Services (COPS) program to whether recipients are complying with the federal prohibition on sanctuary policies. Sanctuary cities have been prohibited under Federal law (8 U.S.C. 1373 and 1644) for more than 10 years. Yet, there is no enforcement mechanism and no penalty for those cities that choose to disobey the law.

My amendment would have prohibited COPS funding from going to State or local governments that have sanctuary policies which prevent cooperation between local or state police and federal immigration authorities or prevent local or state police from enforcing immigration laws.

Terrorists know all about sanctuary cities and the concealment that such cities provide. The 9/11 terrorists are a case in point. Two of the 19 hijackers on September 11, 2001, ran afoul of police months and days before the attack.

Mohammed Atta was ticketed in Broward County Florida in the Spring of 2001 for driving without a license. Atta was in the U.S. on an expired Visa and was in the U.S. illegally. If the local or state police had looked into Atta's immigration status, the leader of the 9/11 attacks would have been departed 5 months before the attacks took place.

In addition, of the 48 Al Qaeda operatives who operated in the U.S. between 1993–2001, including the 9/11 hijackers, almost half were illegal aliens. Sadly, jurisdictions with sanctuary policies would not only prohibit their apprehension, it would also prohibit the police from informing federal officials of their immigration status so that they could commence deportation proceedings. Three of the Fort Dix Six—the men who tried to pull off a terrorist incident at Ft. Dix, NJ—were pulled over by local police for traffic violations. Three of these individuals had run-ins with police 75 times, but no one ever checked their immigration status. They were all in the U.S. illegally. The jurisdiction in which they were charged supposedly had a sanctuary policy ... which explains why they were never reported to federal immigration officials.

We cannot fool ourselves into thinking that terrorists do not know about these sanctuary jurisdictions... so harboring illegal aliens creates an environment where terrorists can easily hide and not be found out. I want to be clear that I do not believe that all illegal immigrants are terrorists. Very, very' few illegal immigrants are terrorists. But those few who are terrorists can kill thousands of innocent Americans, as only 19 did on September 11, 2001.

Obviously, the COPS program adds to our arsenal in combating crime by increasing the number of police in our communities. But funding increased police presence while at the same time not reporting known illegal immigrants to federal authorities, as is the policy of jurisdictions with sanctuary laws, is contradictory and self-defeating. If we simply allowed our law enforcement officers to follow Federal law by requiring them to inform immigration officials of violations of immigration laws, we would likely need fewer police officers to enforce our laws.

Why would we need fewer officers? Because requiring local jurisdictions to cooperate with the Federal agencies to quickly and efficiently deport illegal immigrants, particularly those engaged in criminal acts, would help reduce the size and capabilities of criminal gangs. A large percentage of those who populate violent criminal gangs, including MS–13, are illegal immigrants. Violent criminal gangs are making these communities unsafe. FBI Director, Robert Mueller, has even declared MS–13 as the top priority of the bureau's criminal-enterprise branch.

Even more, the gangs that are populated by illegal immigrants have increased the threat to our homeland. Honduran Security Minister, Oscar Alvarez, even stated that Al Qaeda might be trying to recruit Central American gang members to help terrorists infiltrate the US. Additionally, Salvadoran President Tony Saca echoed this theme, saying he could ''not rule out a link between terrorist and Central American gang members.''

My second amendment (No. 15) would have tied funding for the State Criminal Alien Assistance Program (SCAAP) to whether recipient jurisdictions are complying with the federal prohibition on sanctuary policies (8 U.S.C. §§1373 and 1644). The amendment would have given priority in SCAAP funding to those communities that are cooperating with federal immigration officials in deporting illegal immigrants, rather than State or local governments that have sanctuary policies and simply release criminal aliens back onto U.S. streets.

My amendment says if you expect to get federal money for incarcerating illegal immigrants you must also report them to federal immigration authorities so that they can be deported, rather than being released back on to U.S. streets. If a community cannot live by this policy, it is only right that they not get a taxpayer subsidy.

What's amazing is how much money sanctuary cities are raking in from the Federal Government. During fiscal 2005, the Justice Department distributed $287.1 million in SCAAP payments to 752 state, county and local jurisdictions. Seventy percent of SCAAP funds went to just 10 jurisdictions: the states of California, New York, Texas, Florida, Arizona, Illinois and Massachusetts; New York City; and two California counties, Los Angeles and Orange.

Many of the largest recipients of SCAAP funds are sanctuary cities that refuse to cooperate with Federal authorities on immigration enforcement. Some of the largest sanctuary cities and counties that received SCAAP money in 2005 include New York City, Los Angeles, San Francisco, San Diego, Houston, and Seattle.

It seems as if we did not learn anything from 9/11 about the need to treat illegal immigration seriously and recognize that the failure to enforce our immigration laws can endanger our national security?

Some of America's most important cities are sanctuary even though it is prohibited under Federal law. And it is time that the Federal Government stops turning a blind eye to sanctuary cities. If a community chooses to be a sanctuary, they should no longer expect to receive the largess of taxpayers from across this country.

Once again, I am disappointed that the Democrat majority would not permit these amendments to be considered for all up or down vote. However, I will continue to work to address this serious national security concern.

Mr. HOLT. Mr. Chairman, I rise in support of this appropriations bill.

One of the most important roles of government is ensuring public safety. Over the last several years, the Federal Government simply has not been providing enough support to local and state law enforcement. The Justice Department's Uniform Crime Report statistics have now shown for 2 consecutive years measurable increases in violent crime nationwide. The Bush administration clearly has its priorities skewed, as the budget it proposed for the Community Oriented Policing Services (C.O.P.S.) program for Fiscal Year 2008 was a mere $32 million, a reduction of over half a billion dollars from last year's level.

This bill addresses that problem by increasing C.O.P.S. program funding to $725 million, and designating $100 million of that amount to be used to hire an additional 2800 police officers nationwide.

There is simply no question that our country's far more robust commitment to putting cops in the streets in the 1990's help reduce violent crime over the last decade. According to the General Accountability Office ''C.O.P.S. funded increases in sworn officers per capita were associated with the declines in rates of total index crimes, violent crimes, and property crimes.'' The same GAO study showed that between the years of 1998 and 2000, C.O.P.S. hiring grants were responsible for reducing crime by about 200,000 to 225,000 incidents—one third of which were violent. Across the state of New Jersey, approximately 4,790 officers were hired by local police departments using C.O.P.S. funds. This meant an additional 628 police officers and sheriff deputies walking the beat in the local communities of my Congressional District. Further, 33 school resource officers were hired to ensure that our children's schools are safe. The committee's increase in funding for this program for Fiscal Year 2008 is a welcome change from recent years, but I hope it will only be a down payment on much larger increases to come. Ideally, we should return to the kind of funding levels that gave us the kind of nationwide police presence we enjoyed in the last decade.

I am pleased that the committee has provided a robust increase for the Edward Byrne Memorial Justice Assistance Grants Program by more than $80 million over the Fiscal Year 2007 level to $600 million. These grants are vital to our local communities—they help local law enforcement organizations get the support they need to combat violent crime, particular gangs and drug-related criminal activity.

In the area of science funding, the bill provides for much needed increases in the overall budget of the National Science Foundation, and for science education funding. Recent history has shown that when the federal government invests in science programs and education, our Nation as a whole benefits.

When funding for the National Institutes of Health was doubled during the previous decade, many students recognized the opportunity and acted accordingly. Federal seed money fostered high-income, highly desirable jobs and entrepreneurial companies that lead the 21st century economy. Their innovations have made the U.S. the global leader in the life sciences and biotechnology.

Earlier this year, I led more than 80 of my colleagues in an appeal to this committee that it increase overall funding for the NSF as well

as education-specific funding. I'm pleased that the committee responded by increasing NSF funding to $6.509 billion, $80 million over our collective request, as well as adding $72 million specifically for science education funding. I want to thank the chairman of the full committee, Mr. OBEY, and the subcommittee chairman, Mr. MOLLOHAN, for demonstrating a commitment to make meaningful investments in the NSF's physical sciences and engineering programs.

Finally, the Commerce Department portion of this bill provides badly needed additional funding to address perhaps the greatest threat to our collective future—global climate change.

The committee has added $171 million over the President's request to help fund a number of key climate change initiatives, including a comprehensive study of the problem, as well as changes to National Polar-Orbiting Operational Environmental Satellite System (NPOESS) program to ensure that critical climate monitoring sensors are added onto future NPOESS platforms. It is vital to both our economic and our national security that we take whatever measures are necessary to gain a comprehensive understanding of the mechanisms that drive global warming so that we can implement the full range of measures necessary to combat it.

Mr. Chairman, I commend the committee for bringing us a bill that reflects the priorities of the American people, and I urge my colleagues to vote for it.

Mr. SHULER. Mr. Chairman, I rise today in strong opposition to the amendment put forward by the gentleman from Arizona.

We should not be reducing the funding for the National Textile Center. Our national economic prosperity has grown from the formidable work ethic of the American people and vigorous investment in all areas of science and technology. We must not lose the scientific commitment which has brought our Nation so far and can help us go so much further.

The National Textile Center conducts advanced research work with life-saving applications. Some examples include the use of micro-technologies to develop heart stents, and three-dimensional weaving techniques to produce life-saving armor. Beneficiaries of the National Textile Center's work include firefighters, police officers and soldiers who require protective clothing that allows them to carry out their dangerous jobs. I am proud to have several companies in my district including 3Tex and FirstChoice Armor who are working closely with the National Textile Center to produce the next generation of life-saving textile products.

The research conducted by the National Textile Center is also advancing our understanding of more efficient textile manufacturing. New developments spearheaded by the National Textile Center help make our industrial processes more effective and help ensure we remain competitive in the international arena.

I urge my colleagues to vote against this amendment and maintain our national commitment to investments in science and technology that provide real benefits to American workers and real solutions for the greater good.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the ''Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008''.

Mr. MOLLOHAN. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. TAUSCHER) having assumed the chair, Mr. SNYDER, 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. 3093) making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, and for other purposes, he reported the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under House Resolution 562, the previous question is ordered.

Is a separate vote demanded on any amendment reported from the Committee of the Whole?

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Madam Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. MANZULLO. Is it appropriate at this time to ask for a re-vote on each and every amendment just voted on?

The SPEAKER pro tempore. The Chair has just queried on that matter.

Mr. MANZULLO. Thank you.

The SPEAKER pro tempore. 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. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. LEWIS of California. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LEWIS of California moves to recommit the bill, H.R. 3093, to the Committee on Appropriations with instructions to report the same back to the House promptly with a deficit neutral amendment to provide:

(1) additional funding for Department of Justice immigration law enforcement capabilities (including investigative, prosecutorial and incarceration programs); and

(2) funding for the State Criminal Alien Assistance Program at the level authorized pursuant to section 1196 of Public Law 109–162.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. LEWIS of California. Madam Speaker, the motion I have at the desk is a motion to recommit to recognize the fact that right now this country faces a crisis on its borders.

Illegal immigration not only affects those of us who represent States on the border, it is a pervasive problem across the country. The Homeland Security Appropriations bill that passed the House earlier this summer included significant increases for more Border Patrol agents and other border protection efforts.

□ 1700

The homeland security bill represents an important piece of our immigration enforcement system, but it does not fund all of it. It is this bill that funds prosecution and incarceration of the most violent criminal aliens, such as drug dealers, human traffickers and gang members. It is this bill that provides critical assistance to State and local law enforcement agencies that are on the front lines of the immigration problem.

As we increase our border enforcement efforts in the Department of Homeland Security, we must make sure that the Department of Justice has the funds it needs to fully prosecute and incarcerate all of the criminal aliens arrested by the Border Patrol and Immigration and Customs Enforcement. In addition, until the Federal Government is able to secure its borders, we must provide our local governments with sufficient resources to reimburse them while they protect our communities.

Because my colleague from California, DAVID DREIER, former chairman of our Rules Committee, has been most involved in this issue and is on the point of our attempting to find a solution in California, I yield the balance of my time to Mr. DREIER to round out this discussion.

Mr. DREIER. Madam Speaker, I thank my friend for yielding.

Let me just say that in the 109th Congress, Mr. LEWIS and I joined together to offer an amendment to the Violence Against Women Act which actually authorized a level of $950 million for the reimbursement to the States for the incarceration of illegal immigrant felons. At that time, Madam Speaker, 414 Members of this House voted in support of that bill. Just yesterday, 338 Members voted in favor of the amendment that we offered which had an increase to a level of $460 million total for the issue of the State Criminal Alien Assistance Program. It is literally a drop in the bucket. Even with this new level, State and local governments will, Madam Speaker, only receive 10 cents on the dollar that they expend for the incarceration of people who are in this country illegally and commit crimes.

I believe that it is absolutely essential, if we're going to allow State and local governments to work on the very, very important crime problem that

they have, that we should step up to the plate and take on the responsibility that only the Federal Government can address, and that is the security of our Nation's borders.

Madam Speaker, any Member who votes against this motion to recommit is, in fact, voting to not provide reimbursement to State and local governments for this onerous responsibility which we have thrust upon them by virtue of the fact that we are not securing our Nation's borders.

Vote to support the motion to recommit that Mr. LEWIS is offering here so that we will have a chance to provide that very, very important support for State and local governments and the security for the constituents who we represent.

Mr. LEWIS of California. Madam Speaker, reclaiming my time, and I won't use any more time, I appreciate very much Mr. DREIER's assistance in this matter. I urge very strongly that all Members vote ''aye'' on this motion to recommit.

Madam Speaker, I yield back my time.

Mr. MOLLOHAN. Madam Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from West Virginia is recognized for 5 minutes.

Mr. MOLLOHAN. Madam Speaker, I rise in opposition to the motion to recommit. If I heard the gentleman from California correctly, I believe he misspoke and said that he encouraged a vote against the motion to recommit. Of course he's not against the motion to recommit, but if he were, that would be the only place that I agree with him on this amendment.

Obviously this is a killer amendment. This is the ''I got you'' amendment. It provides for promptly returning the bill back to the House. That means that the bill will not pass today on the Floor. That's the ''got you'' part of each one of these motions to recommit. It means we wouldn't be able to pass the bill here today.

Additionally, the amendment asks for additional funding for the Department of Justice immigration law enforcement capabilities. We just had a number of amendments proposing across-the-board cuts during this proceeding. Many of their supporters have argued that there's too much money in these bills and in these accounts. We're funding this bill substantially above the President's request, $3.2 billion above last year and $2.3 billion above the President's request.

It would always be good to have additional funding in law enforcement, but we're proud of how robustly we are funding law enforcement, and particularly for State and local law enforcement, which is $1.7 billion above the President's request. Those funds help with the local law enforcement, including prosecutorial, incarceration programs, and many others across the board. While this bill is well in excess of the President's request, much of that is for funding for law enforcement above last year's levels.

The other provision of this motion to recommit would fund the State Criminal Alien Assistance Program at the level authorized. Let me just suggest that the State Criminal Alien Assistance Program is a privileged account in this bill. We began funding through subcommittee at $375 million. In full committee, it increased to $405 million. On the floor, this program was again increased now to $460 million. It is certainly getting its fair share of funding relative to other accounts in the bill.

Indeed, if this motion to recommit were passed and were acted upon, we would have to go back and cut State and local law enforcement, FBI, DEA, and meth programs. We would have to cut law enforcement funding that puts police on the streets, that hires additional FBI agents, additional DEA agents, and funds meth programs.

If we approve this motion to recommit, we would really have to go back and cut all of that funding.

Madam Speaker, I yield to the gentlewoman from California (Ms. ZOE LOFGREN).

Ms. ZOE LOFGREN of California. Madam Speaker, I concur with the suggestion that this motion to recommit be defeated.

As the author of the amendment yesterday to increase SCAAP funding by $55 million, I can certainly not be counted as someone who does not support funding for State and local alien incarceration programs.

On the other hand, we had offsets for our amendment yesterday, $55 million in offsets, and if I had found additional offsets that didn't adversely impact the Drug Enforcement Agency or the FBI or the COPS program or the National Science Foundation, I would have suggested an even bigger amount. I couldn't find those offsets.

Mr. HOYER. Madam Speaker, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Maryland.

Mr. HOYER. Madam Speaker, this is not about substance. This is about killing this bill. The gentleman will say it comes back promptly. It doesn't come back promptly.

We spent 14½ hours trying to get money to law enforcement, immigration enforcement and all the other objects in law enforcement, first responders, in this bill. This is about killing this bill. This is about delay. This is about politics, trying to give some of our people a bad vote.

Vote this motion down because it is not real. It is not for substance sake. It is not for the objective as it is articulated in the amendment. It is designed to fail. Reject this chicanery on this floor. Vote ''no.''

The SPEAKER pro tempore. All time has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 209, noes 215, not voting 8, as follows:

[Roll No. 743]

AYES—209

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

NOES—215

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Castor
Chandler
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ros-Lehtinen
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
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Michaud
Myrick
Young (AK)

□ 1726

Mr. LAMPSON and Mr. HILL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Mr. SHAYS. Mr. Chairman, on July 26, I was participating in a briefing on National Security and I missed the first vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "no" on recorded vote number 743.

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 281, nays 142, not voting 9, as follows:

[Roll No. 744]

YEAS—281

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

NAYS—142

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
English (PA)
Everett
Fallin
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gillmor
Gingrey
Gohmert
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
King (IA)
King (NY)
Kingston
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Price (GA)
Putnam
Radanovich
Rehberg
Reynolds
Rogers (AL)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Westmoreland
Whitfield
Wicker
Wilson (SC)

NOT VOTING—9

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
McDermott
Michaud
Sherman
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1734

Ms. GINNY BROWN-WAITE of Florida changed her vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. McDERMOTT. Mr. Speaker, I regret that I was unavoidably detained and missed rollcall 744, final passage of H.R. 3093, the FY08 Commerce, Justice, Science and Related Agencies Appropriations Act. Had I not been detained, I would have voted in favor of final passage.

PROVIDING FOR CONSIDERATION OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

Mr. CARDOZA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 574 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 574

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. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, 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 the amendments considered as adopted by this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) The amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. All points of order against provisions in the bill, as amended, are waived.

(b) Notwithstanding clause 11 of rule XVIII, no further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules and amendments en bloc described in section 3 of this resolution.

(c) Each further amendment printed in the report of the Committee on Rules shall be considered 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.

(d) All points of order against further amendments printed in part B of the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Agriculture or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture or their designees, 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. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further 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. 5. During consideration in the House of H.R. 2419 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 (Mr. TIERNEY). The gentleman from California is recognized for 1 hour.

Mr. CARDOZA. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume, and I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 574.

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

There was no objection.

Mr. CARDOZA. Mr. Speaker, House Resolution 574 provides for consideration of H.R. 2419, the Farm, Nutrition, and Bioenergy Act of 2007 under a structured rule.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture.

The rule waives all points of order against the bill and its consideration except for those arising under clause 9 or clause 10 of rule XXI.

The rule makes in order 31 amendments.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, as the subcommittee chairman on the House Agriculture Committee, and as a member of the Rules Committee, I am pleased to offer this progressive Federal farm policy act for consideration today.

Over the past year, the Agriculture Committee members have traveled across this country, from north to south, from east to west, hearing directly from farmers and ranchers about the state of agriculture in our country. Across rural America we have heard from farmers and ranchers from all walks of life talking about the promise of American agriculture, the immeasurable innovation and success and commitment to sustainable farming.

The 2007 farm bill builds on past successes of Federal farm policy by providing a reliable safety net for commodity crops, expanding access to conservation programs, increasing participation in domestic nutrition programs, and, perhaps most of all, most near to my heart, this bill dwarfs any previous Federal investment in specialty crops, which account for nearly 50 percent of American agricultural production.

Chairman PETERSON, Ranking Member GOODLATTE, and the entire Agriculture Committee were able to craft an equitable, fiscally sound farm bill that preserved the farm safety net while including critical funding for important new programs.

Furthermore, the 2007 farm bill contains unprecedented reforms to payment limitations and crop insurance programs that will reduce waste, fraud, and abuse so often identified with the farm program.

More importantly, this bill is completely paid for. During the past election, Democrats promised to live within our means like every household in America is forced to do and stop writing blank checks with reckless abandon. We pledged to exercise spending restraint to stop shouldering our Nation's needs on the backs of our children and grandchildren. Mr. Speaker, I am proud to say that we were able to do exactly that.

You will hear a lot of talk from the other side of the aisle about this bill raising taxes, but this is simply a scare tactic in an attempt to score political points. This is completely untrue.

Let me set the record straight before we even begin. This bill does not raise taxes. The 2007 farm bill closes tax loopholes that just 5 years ago the Bush administration and its own Treasury Department identified as tax abuse. In a policy paper issued by the Office of Tax Policy in May of 2002, the Bush administration identified how corporations headquartered in tax havens use this loophole, and a June 18, 2002, New York Times article stated that Republicans in Congress also thought that this tax loophole needed to be fixed. These are the facts.

Lastly, Mr. Speaker, I must take a moment to thank Chairman PETERSON, Speaker PELOSI, Leader HOYER, and the entire leadership team for their tenacity and sincerity in creating a farm bill that we can all be proud of and stand behind.

Not everyone got everything they wanted, and, frankly, they shouldn't. The farm bill should never be a place to line up at the trough and recklessly suck up needed resources. In the end, while people didn't get everything they wanted, everyone got what they needed. That speaks volumes about the quality of this bill and tells me we ended up in exactly the right place.

I have never been more proud of a piece of legislation, Mr. Speaker, and I look forward to telling my constituents in the 18th District of California that the United States Congress has

accomplished what was thought to be an impossible feat. I urge my colleagues to support this rule and the underlying legislation.

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

□ 1745

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank the gentleman from California (Mr. CARDOZA) for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, the largest overall industry in my State is agriculture and food processing. I represent the central part of Washington State where a wide variety of agriculture products are produced, including apples, cherries, pears, wheat, dairy hops, wine grapes and potatoes, just to name a few. In addition, our farmers and ranchers are stewards of the land, and many of them participate in conservation programs that fall under the farm bill. For these reasons, my constituents have a lot at stake when it comes to farm policy.

The Committee on Agriculture has historically worked in a bipartisan manner, especially on such important issues as the farm bill. Just over a year ago, I was pleased that the Agriculture Committee came to my district and held a farm bill hearing in Yakima, in my district. Mr. CARDOZA, now Chairman PETERSON and Ranking Member GOODLATTE were all there. I appreciate their having traveled to my corner of the country to hear directly from the farmers in central Washington.

They heard firsthand the importance of specialty crops, fruits and vegetables to the overall ag economy. I'm pleased that the underlying bill, the Farm, Nutrition and Bioenergy Act, as approved by the committee, recognizes the needs of specialty crop producers by increasing investments in the Market Access Program, the Specialty Crop Block Grant Program, the Fruit and Vegetable Snack Program, and establishes a much needed National Clean Plant Network. These are all important steps in the right direction.

Unfortunately, all of the good things in this bill and the spirit of bipartisan cooperation were completely overturned by a last-minute addition of a multi-billion dollar tax increase. This surprise offset is totally unacceptable because it will cost American jobs, and it has completely bypassed the public process of discussions and hearings in the respective committees of jurisdiction, and it has disrupted the tradition of bipartisan cooperation on farm policies.

I have many speakers, Mr. Speaker, on my side who will be discussing the impact of these surprise tax increases, again, that were not subject to hearings or markups by the appropriate committees. The full scope of these tax hikes and fees just appeared at the Rules Committee this morning at 8 a.m., with no one willing to testify about them or disclose the full impact of these measures on our economy. And we are talking about multi-billion dollar increases.

Mr. Speaker, I also want to take this opportunity to express my disappointment that a bipartisan amendment I submitted to the Rules Committee with the support of Mr. MCNERNEY from California, Mr. HOEKSTRA of Michigan, was not made in order to help American asparagus growers. Under the Andean Trade Preferences Act of 1991, the Congress gave Peru duty-free access to the U.S. market on a unilateral basis. This was done in the hope that it would encourage the Peruvians to develop alternatives to growing narcotic-producing crops.

Unfortunately, it led to a flood of Peruvian asparagus imports, which has devastated the asparagus growers and processors in my home State of Washington, Michigan and in California. The U.S. International Trade Commission has repeatedly cited U.S. asparagus as the one farm commodity substantially harmed by the Andean Trade Preferences Act.

My amendment would have simply given the Secretary of Agriculture the option of providing transition payments to these growers. After all, American asparagus growers were not harmed by their own actions, but rather by government's antidrug policies. They should not have to pay the full brunt of the price.

Unfortunately, the leadership of this House has decided that these growers don't deserve a place at the table. We are poised to give billions away under this bill, but the House leadership can't find time to help these small farmers who were harmed by their own government.

Mr. Speaker, the rule denies Members the opportunity to represent their constituents by coming to the floor and offering amendments to this bill. It prohibits a separate vote on whether or not to include billions of dollars in tax increases, and it denies open debate on those issues. Therefore, I urge my colleagues to vote against this restrictive rule.

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

Mr. CARDOZA. Mr. Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from California for yielding me the time and for his work on this legislation.

Mr. Speaker, I rise in support of this rule and in support of the underlying legislation.

My colleagues, tonight millions of people here in the United States and around the world, many of them children, will go to bed hungry. They may not be in this Chamber, but they must remain in our thoughts. This bill does not go as far as I would like in tackling hunger, but it represents real progress and real reform.

I want to commend Chairman PETERSON and his colleagues on the committee for their hard work, but I also want to thank Speaker PELOSI and Congresswoman ROSA DELAURO, both of whom have worked personally and passionately with us over the last few days to make improvements to the nutrition programs in this bill.

The bill before us begins to reverse some of the terrible damage done to nutrition programs over the past several years. For too long, hungry people were an afterthought in this Congress. For too long, people on food stamps fell further and further behind as the Republican Congress searched high and low for more ways to cut taxes for rich people. Those days have come to an end, Mr. Speaker.

It has not been easy to find funding for these vital programs, and here's why. Unlike the Republicans, we are actually paying for the bills we pass. It would have been easy to put the cost of this bill on the national credit card. Instead, the increases to the nutrition program in this bill are paid for in this bill. That is an enormous and welcome development.

Further, the bill includes increased guaranteed funding for the George McGovern-Robert Dole International Food for Education and Child Nutrition program. McGovern-Dole has a proven track record of fighting hunger and promoting education by providing meals to chronically hungry school-age children in the world's poorest countries. Where the McGovern-Dole program is offered, enrollment and attendance rates increased significantly, especially for girls. Providing food at school is a simple but effective method to get children into school, improve literacy, and help break the cycle of poverty.

These programs demonstrate America's generosity and goodwill, and they reflect our deepest moral values. They promote our national security, and they offer an alternative to children who otherwise might be recruited by groups that provide meals in return for becoming child soldiers or for attendance at extremist schools that serve as a breeding ground for hatred and violence.

By making the funding guaranteed, we can stop the practice of beginning a school feeding program only to cut it off when Congress doesn't appropriate enough money, because the only thing more cruel than not feeding a hungry child is feeding a hungry child for a while and then stopping.

As I said, Mr. Speaker, the bill before us does not do as much as I would like. And I will keep fighting, through the amendment process and beyond, to increase funding for hunger and nutrition programs here at home and around the world. This is not the beginning of the end. It's the end of the beginning. This is a start.

Mr. Speaker, hunger is a political condition. We have the resources to

end hunger. What we need is the political will. Let us rededicate ourselves to helping those who need help the most.

I urge my colleagues to join me in support of this bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the ranking member of the Rules Committee, Mr. DREIER of California.

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

Mr. DREIER. Mr. Speaker, I rise in strong opposition to this rule and to the previous question.

Let me just say that as I listened to my friend from California talk about the fact that he looks forward, at the end of this debate when he is successful, to telling his constituents in California that the impossible has been achieved, I have to say that he may or may not be right at that point.

But I will tell you something that has been achieved with this, Mr. Speaker, and that is an end to bipartisanship when it has come to dealing with this issue of our farm policy. And to me, that's a very, very sad statement when you look at people who've been very committed to this bill, like Bob Goodlatte, the former chairman of the committee, now the ranking member who's going to be speaking in just a few minutes, and you look at so many others who because of the way this issue has been mishandled and because, in fact, there is in excess of a $10 billion tax increase.

Now, my friend in his opening remarks said, don't be fooled, don't let them claim that this is a tax increase. Well, I know that we are dealing with so-called tax loopholes. That's the way it's described. But the fact of the matter is, if you look at those, Mr. Speaker, who are impacted by this, great tax ''cheats'' out there like Toyota, Daimler Chrysler, Honda, the Bayer Corporation that makes the baby aspirin that's provided, these are people who are ensuring that our consumers have access to great products, and they obviously are complying with the law. And now we somehow are demonizing all of these people, calling it closing tax loopholes when, in fact, what we're doing is we're putting into place a dramatic tax increase, not just to deal with the farm issue, Mr. Speaker, but to deal with a wide range of programs that are not related to farmers whatsoever.

In fact, one person gave me a figure that only 11 cents of every dollar is actually being expended to help our farmers.

Vote ''no'' on the previous question and ''no'' on the rule.

Mr. CARDOZA. Mr. Speaker, a short response.

I'd just like to say that if these folks were complying with Federal and State law, why are they sending their receipts through Caribbean islands?

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI).

Ms. MATSUI. Mr. Speaker, I rise today in strong support of the rule we are considering today.

Mr. Speaker, the Farm, Nutrition, and Bioenergy Act of 2007 is an important bill that outlines the funding for our country's agriculture policy, its conservation approaches and its nutrition programs. These initiatives touch each of us in some way, whether we're from rural, suburban or urban districts. The farm bill impacts all of us.

I want to applaud Chairman PETERSON, Ranking Member GOODLATTE and Speaker PELOSI for bringing forward this fine bill.

My district is in one of the fastest growing areas in California. Sacramento is also at the bottom of one of the most farm-rich watersheds in the country. We are at the confluence of two great rivers, the American and, our namesake river, the Sacramento.

As our population grows and as our climate continues to change, our natural resources are impacted first. Farmland is often the first to feel the effects of changing weather and climate patterns, and in the Sacramento watershed the farmers are the stewards of the land. I'm ready to work with local landowners to develop voluntary comprehensive conservation plans that address present and future needs.

I want to thank Chairman PETERSON for working with me to designate the Sacramento River watershed as a region of national priority in the regional water enhancement program. This designation and the promise of future funding will go a long way toward developing the Sacramento River watershed over the next 40 years.

Building on this designation, I look forward to convening a coordinating committee which will address the preservation of working lands and water management within the watershed.

Our initial focus will be to build a strong consensus on conservation and its value for our region. We have a truly unique opportunity to shape the vision for the watershed from its inception. This will help ensure that we build upon solid local input as we develop this vision.

Above the city of Sacramento, there are 500,000 acres of rice and 500,000 acres of specialty crops. My district is proof that the distance between urban and rural communities gets smaller every single day.

Our communities have different needs, but we share a common goal: to protect, preserve and enhance our way of life. I believe that preserving working lands can do just that. This should be an important priority for our entire region.

Finally, I applaud the chairman's commitment in providing $1.6 billion to specialty crop producers. These funds are critical to the producers' daily operations. They will foster progress in research, conservation, pest and disease programs and nutrition.

I ask my colleagues to support this rule and final passage of the Farm, Nutrition, and Bioenergy Act of 2007.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the ranking member of the Budget Committee and a member of the Ways and Means Committee, Mr. RYAN of Wisconsin.

Mr. RYAN of Wisconsin. I rise in opposition to this rule, Mr. Speaker, for many reasons. Number one, this has become common practice for the new majority. But the farm bill reauthorization calls for massive new entitlement spending, no serious reform, and it makes a complete mockery of the PAYGO process. Number one, this is not a fair rule.

An amendment that I offered on a bipartisan basis with Mr. BLUMENAUER from Oregon to cap farm payments, which was made an order in 2002, which received 200 votes, was denied.

□ 1800

So based on the lack of fairness on this rule, I urge that it goes down.

But what about the substance of this bill? This bill extends farm commodity programs with no real reforms. At a time of record-high prices and prosperity for many farmers, this extends the commodity programs at 5 years with no reform. The payment limit is a sham. It has thin window-dressing payment limits on commodity programs while actually removing the payment limits on the marketing loan program. It has an anticompetitive tax increase in here which will raise taxes on American businesses that are owned by foreign companies: Nestle, Case New Holland, Chrysler. This will tax jobs out of America, and it increases entitlement spending.

And the only reason this bill ends up adding up on paper is because of a bogus $4.7 billion timing shift. CBO has already told us that this bill will spend $5 billion more than it pretends to spend simply out of the timing window within which it spends. What that means, Mr. Speaker, is on paper they are showing savings. In reality and in real life, they are spending over the limit, and they are breaking the budget by at least $5 billion.

And what is worse, Mr. Speaker, is this engages in the worst form of protectionism. This bill raises taxes on our taxpayers, raises prices on consumers, and it does so at the expense of people in the developing world. It hurts people in the developing world from lifting their own lives up out of poverty and despair.

So while we had a chance to have a good, bipartisan farm bill that had reform, that brought the market reform to bear, that could have helped the family farmer, we are saying no.

The farm bill ought to be about helping the family farmer in tough times, not giving million-dollar checks to big farmers, not giving checks out at good times. Unfortunately, that is what this bill does in addition to the phony PAYGO and shifting of $4.7 billion around like Enron accounting.

With that I urge a ''no'' vote on this rule.

Mr. CARDOZA. I would suggest that the other side knows a lot about Enron accounting, Mr. Speaker. But we also made three substantive commodity cut amendments in order: the Kind amendment, the Udall amendment, and the Davis amendment.

Mr. Speaker, I would like to at this time yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Mr. Speaker, I thank the gentleman from California for his leadership on the Rules Committee and leadership on the Agriculture Committee in helping us work through this.

I want to also thank the extraordinary generosity, personal and political, with his time, Mr. PETERSON, who was extremely responsive to all the concerns of the Members, and Mr. GOODLATTE for his excellent work on this bill.

Mr. Speaker, I support this rule. First of all, two things: One, this bill is a departure from the past farm bills, and I will just give a few straight-out facts. One, commodity programs have been cut 43 percent compared to what they were in the 2002 farm bill. Two, conservation spending has been increased 32 percent. Three, nutrition has been increased 46 percent. So there is a clear change in emphasis.

Second, there is in this rule 33 amendments that have been allowed to be in order, including amendments that will allow this Congress to take further action, if it so chooses, on commodity reform. And that is done with the consent and the approval of the Chair of the Agriculture Committee.

So, Mr. Speaker, this bill clearly reflects the necessity for reform and balance in the farm bill. And, number two, the rule clearly allows this body to have this as a first step and to consider more dramatic reform.

Finally, I want to address the MILC program, or the milk program, that is of particular concern to dairy farmers in Vermont. Our farmers in Vermont are hanging on by their fingernails. A year ago when milk prices were at record lows, they also experienced horrible weather, high energy prices, high grain prices, and the folks who hung on did so against extraordinary odds. And how they did that I will never know. But I can tell you this, and I believe what is true for us in Vermont is true for every State across this Nation: Local agriculture not only is essential to our economy, but it is essential to our environment. It is essential to our definition of who we are. And what we must do in this bill that Mr. PETERSON in the committee and Mr. GOODLATTE in his work begin to do is put an emphasis on local agriculture. Is it a beginning? It is just the beginning because we have to do more in the commodity program, in all of the farm policies that recognize that it is our family farmers who should be the intended folks that we are trying to help.

We, in this farm bill, by preserving the MILC program, are at least providing to the hardest-working family farmers a lifeline when, through forces that are completely beyond their control, they need some assistance to stay in business. And, Mr. Speaker, that is an important component of this bill, and I thank the Chair for including it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 15 seconds.

I have a letter in front of me from a number of companies that are subsidiaries of companies that are based abroad, and they say in this letter to oppose the tax increase and vote against the rule on H.R. 2419. And one of the signatories of this letter is Ben and Jerry's Homemade from my friend's home State of Vermont.

Mr. Speaker, I yield 3 minutes to the ranking member on the Committee on Agriculture, Mr. GOODLATTE.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a sad day for this Congress. Farm bills are written in a bipartisan fashion. And I appreciate the comments of the gentleman from California and others, the gentleman from Vermont, about the hard work that the House Agriculture Committee put into creating a bipartisan farm bill. There is a lot to like in it; there are things to dislike in it.

But this rule turns that bipartisan process on its head. It has poisoned the well in terms of bringing this to fruition. It has made this farm bill, no matter its fate here today, unlikely to have any future beyond this House of Representatives because of the tax increase that has been placed in this legislation, because of the fact that Members who are accustomed to seeing an open rule when dealing with the farm bill.

Historically no one can recall a farm bill process as closed as this one, Members denied the opportunity to deal with provisions brought into this legislation like labor provisions and so on, not allowed to offer an amendment to take out Davis-Bacon provisions that have no business being in farm bill legislation. And it is, in my opinion, very disappointing.

Now, some have said that this is not a tax increase, this is closing tax loopholes. Businesses all across America are speaking up and pointing out that this is sweeping tax reform that has received no hearing. Here we are with an Agriculture Committee bill dealing with something that should have been dealt with in the Ways and Means Committee, but was simply handed out and said, here, take this. Take this tax increase as the pay-for for a substantial cut in agricultural programs that the Budget Committee did not address properly.

We have been trying for months to get fair treatment on the promise that we would be given an appropriate offset. We reported the bill out of the committee, and now we find what we are going to do is put American jobs up against American farmers. What kind of an outrage is that?

This rule should be voted down. It is totally unfair to American farmers and ranchers to see a good, bipartisan farm bill put at risk over a tax increase that will have a dramatic impact not only on the businesses that are subsidiaries of foreign-owned corporations providing millions of jobs here in the United States, but also on the trustworthiness of investment in the United States when we begin violating 58 different treaties that we have negotiated with other countries, and then, the ultimate, when those countries start retaliating against us, saying, if you violate a treaty, we certainly can, too, and affecting American investment abroad.

This is a very bad tax increase. It is a tax increase, not a ''closing the loophole.'' It is a very, very harmful one and should be the basis for Members to oppose this bill and bring the bill back appropriately.

Mr. Speaker, I rise to express my opposition to this rule. Apparently, the Speaker and the Chairwoman of the Rules Committee have decided to dispense with the annoying procedures of the committee process and serious floor debate. The rule before the House begins by limiting amendments to a select few, denying Members the right to offer amendments. In living memory, there has never been a rule this restrictive on a farm bill which is traditionally considered under an open rule.

As a result, the provision requiring Davis-Bacon wage rates on the new loan guarantee program for the next generation ethanol plants that would effectively eliminate the program in many rural States will go unchallenged. Also immune from floor action, is a provision that prohibits States from contracting private concerns to help deliver food stamps or upgrade their delivery systems to provide better service for recipients. The result is that State employee unions will be protected at the expense of State taxpayers and those who need the program. These are only examples of issue after issue that Members will be denied the right to address.

But then we come to the self-enacting portions of this rule. There is a 75-page amendment from the chairman of the Agriculture Committee that moves hundreds of millions of dollars around, cuts programs passed by the committee without consultation and adds new programs from other jurisdictions that spend huge sums of money. If you vote for this rule, that becomes a part of the bill without amendment.

Another self-enacting provision sweeps in billions of dollars in offsets by raising fees and royalties on off-shore oil production. Yet another spends nearly $1 billion for a mandatory international feeding program. Finally, a more than $7 billion tax increase is automatically made a part of the bill. This tax increase comes to the floor as if by magic. ''It was not considered in ways & means where it would have been noted that the provision violates up to 50 Senate-ratified international tax treaties that are the basis of international tax treatment for all trade.

In fact, this tax increase idea has been bumping around for over a decade without receiving any appreciable support. Now the

Democrats are trying to attach this bad idea to a popular bill in an unamendable form. Members should be very careful not to rush to accept this rule. The fate of thousands of companies in our districts and more than 5 million U.S. workers will be jeopardized if we thoughtlessly support this rule.

I have worked on the Agriculture Committee since I first came to Congress and I have enjoyed being part of a committee that always prided itself on a bipartisan legislative process. In all those years, I have never witnessed or experienced a situation that discarded the committee product to this extent or that precluded the members of the committee and the general Membership of the House from legislating on major portions of the bill.

Mr. Speaker, this rule puts in jeopardy every Member's right to legislate and every Member's ability to rely on the careful deliberations of the committee process to produce fully vetted legislation for floor consideration. When that process is violated, we end up with a rule like this one that was cobbled together in the dead of night and contains tax increases that put at risk millions of American jobs. There is only one response possible to a rule like this and that is to join me in voting this rule down.

Mr. CARDOZA. Mr. Speaker, I would like to set the record straight. The gentleman would like to say that this is the first time we have had a structured rule. That is absolutely not the case.

In 1996, the farm bill that year, when the Republicans were in charge, allowed 16 amendments. It was a structured rule. This rule allows 31 amendments.

Further, Mr. RYAN accused us of busting the budget because of timing shifts. Let me just point out that the 2002 farm bill had $2.6 billion in timing shifts, and the 2006 budget resolution had $1.5 billion in shifts, with a total of $4.1 billion in timing shifts on their watch.

Mr. Speaker, at this time I would like to yield 2½ minutes to the chairwoman of the Appropriations Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, this year we fought to make sure Americans do not just get more of the same from this Congress for its agriculture policy and the farm bill. And we should be proud of the results: genuine reform-oriented legislation reflecting our new priorities. By closing a loophole that even this administration labeled tax abuse, we are stopping foreign-based tax dodgers and fulfilling some of this bill's most important obligations.

By sponsoring a marker farm bill for the Northeast and Mid-Atlantic States, I sought to highlight our regions and, I believe, serve the entire country. We secured a major increase in conservation support for programs like EQIP and the Farm and Ranch Land Protection Program, and we made sure that there was a place in this bill for specialty crops.

What are specialty crops? Fruits and vegetables that are farmed in my part of the country, in Middle Atlantic States, in California. This is related to healthy diets in this Nation, crops that are so crucial nationwide, from New England to California.

And with an agreement on the implementation of mandatory country of origin labeling, this bill represents a victory for consumers and a positive first step toward improving food safety in the United States.

Most importantly, we are addressing a top priority: nutrition. The Food Stamp Program is one of the most effective programs to help low-income Americans secure an adequate diet, to help children and families to reach their full potential. This bill represents a real strategy to stop the erosion of the food stamp benefits and actually take us in the right direction, a long overdue improvement for our most vulnerable populations.

Today food stamps are feeding 40 percent of all rural children, yet the current benefit of approximately $1 per person per meal is appallingly inadequate. This bill increases the minimum standard deduction to $145 for 2008. It then indexes it to inflation. It increases the maximum benefit. And we are taking steps to improve benefits for working families with child care costs, indexing to inflation the asset limit, which has effectively barred many poor households with modest savings from receiving any benefits a all.

For many long years, we have failed to meet our obligations, failed to act while too many Americans have gone without adequate healthful food. Today in the Congress we should take pride in acting, finally, to improve domestic nutrition.

Let's pass a responsible farm bill. I urge my colleagues to support the bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to a classmate of mine, a member of the Ways and Means Committee, Mr. WELLER from Illinois.

Mr. WELLER of Illinois. Mr. Speaker, I came to Washington this week with plans to vote for a bipartisan farm bill, a good bill that came out of committee. Lo and behold, I read that the Democrat leadership demanded that the Ways and Means Committee come up with a tax increase to pay for expansions beyond for food stamps and other programs.

Well, look what they brought to the floor: a tax increase on foreign-owned U.S. manufacturers, foreign-owned U.S. companies that are creating jobs in our districts. Mitsubishi's North America plant is in my district. BASF, Pinkerton. And you know what is interesting is there are 235,000 jobs in Illinois, my State, that are generated by foreign-owned companies. And you know what? The Ways and Means Committee abdicated its responsibilities on this provision. No hearings were held. No markup was held. No one knows the consequences of this tax increase. That is why this rule needs to be voted down.

It is one thing if you say there is a loophole that needs to be changed, but I am amazed that members of my own committee are coming to this floor defending a provision where they don't know the answers on whether or not it is going to cost jobs in our districts.

Vote this rule down.

□ 1815

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. I thank the gentleman for yielding.

I, frankly, find it astonishing that we're going to have people representing farmers today that are going to be voting against a bill so important to rural America, a bill that enjoys the support of the farm bureau, the farmers union, the commodity groups, so many vital to the food production of our country. And why? Because they're worried about these companies based in places like Bermuda that want to take their money earned in the United States, route it through places like Switzerland, and park it in the bank back in those islands, those beautiful Caribbean islands where they don't have taxes. They would rather protect the tax cheaters in Bermuda than help the farmers in this country. And man, I would hate to go home and try to sell that one, because if that's not priorities tipped on their head, I don't know what is.

It's time for this body to do what's right and pass a farm bill so vital to rural America and the family farmers in our country.

Vote ''yes'' on this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas, a member of the Ways and Means Committee, Mr. BRADY.

Mr. BRADY of Texas. Mr. Speaker, this tax increase, however called, ripped from the headlines, ''Cayman Islands, tax cheats, tax dodgers, Caribbean.'' The only thing they didn't work in was Paris Hilton and Lindsay Lohan.

The fact of the matter is I had planned to vote for this farm bill until this ''dark night'' tax increase. And here's the key. You hear them talk about 2002. The Treasury Department said ''close the loophole.'' There is a reason they're not talking about 2007, because since then, in the 5 years, this Congress closed those loopholes. The Treasury Department closed those loopholes. And that same Treasury Department they cite today says this is a tax increase that jeopardizes U.S. jobs, cuts investment to this country, violates tax treaties, and keeps companies from creating jobs in the United States. And it also punishes U.S. energy companies for exploring in our deep waters and for honoring their Federal contracts.

This rule is a sham and deserves to be voted down.

Mr. CARDOZA. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from California has 11½ minutes remaining. The gentleman from Washington has 15¼ minutes remaining.

Mr. CARDOZA. Would the gentleman like to take some of his time at this point?

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Georgia, a member of the Ways and Means Committee, Mr. LINDER.

Mr. LINDER. I thank the gentleman for yielding.

In 1928, two gentlemen in Congress by the names of Smoot and Hawley drafted a bill to reduce tariffs to broadly increase markets, particularly for farmers. And after 4 years, it became not a tariff reduction bill, but a tariff increase bill. And all our trading partners responded in kind, leaving us a dust bowl in the ''Grapes of Wrath.''

If you don't think they're going to respond in kind to this, you're nuts. Toyota is not located in Barbados. Honda is not located in the Caribbean islands. These companies pay huge American taxers and hire millions and millions of our neighbors. They sell product in this country, they sell product for dollars. And the only value that dollar has for them is to spend it in a dollar-denominated economy, and they spend in America and they buy companies.

If you don't believe that this 4 to $6 billion tax increase on foreign capital is going to cause a response, you're simply not paying attention to history.

Vote this tax increase down.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire of my friend from California, we have a number of requests for time, and I'm not sure that I have enough time. I wonder if the gentleman would entertain a chance to expand our time on both sides.

If the gentleman would, I would like to ask unanimous consent that each side get an additional 10 minutes.

Mr. CARDOZA. I respect the gentleman from Washington, but we will have a significant amount of time in the discussion of the bill in chief.

Mr. HASTINGS of Washington. Mr. Speaker, I would just communicate with my friend to at least keep his options open, if he wouldn't mind, later on and maybe we can revisit this.

With that, Mr. Speaker, I'm pleased to yield 1 minute to the gentleman from Michigan, a member of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. I thank the gentleman for yielding.

This rule will raise $7.5 billion in taxes on U.S. employers. Higher taxes are just one consequence of today's rule. It turns a blind eye to the 58 tax treaties that have been negotiated by this Nation since the 1950s.

By ignoring those treaty obligations, that invites the retaliation other speakers have talked about. These are our friends and neighbors who work for these employers, over 5 million of them in the United States. And these aren't necessarily obscure businesses you've never heard about. The effect of this provision may be on companies like DaimlerChrysler, Michelin Tires and Miller Brewing. And I say ''may'' because we don't really know. We've never had a hearing. We've never had testimony. It is part of the American fabric that people have a chance to speak about laws and provisions that may affect them. There has been no voice given to the people that may be affected by these rules, the 5 million employees.

So I think to unexpectedly change these rules for these employers with zero debate is a dangerous precedent, and I will vote down the rule.

Mr. CARDOZA. Mr. Speaker, at this time I yield 15 seconds to the gentleman from Texas.

Mr. DOGGETT. New York Times, June 18, 2002. ''There would be no effect on legitimate multinational corporations like DaimlerChrysler that have not used a haven to avoid American taxes.''

Yesterday, 2:41 p.m., letter from Unilever Global Affairs vice president. He says that his company, which owns Ben and Jerry's, would not be affected by this bill.

What we've heard is nonsense. It's not evidence. Claims, not evidence.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I rise to inform my colleagues of a Fair reform amendment that I and others will offer later in this debate.

For too long, our farm programs have given billions of taxpayer subsidies to a few, but very large and wealthy, entities. This has got to change. Our Fair reform amendment will reform these commodity programs so they act like a true safety net.

Simply put, let's help farmers when they need it. Let's not when they don't. The committee bill before us, however, will continue to give taxpayer subsidies to individuals with an adjusted gross income of $1 million. It will spend $26 million in subsidies to commodity producers who are receiving at or near record commodity prices.

Our reform, however, will establish a real revenue-based safety net in case prices collapse. But the savings we find in phasing out direct subsidy payments we reinvest in rural America: $3 billion more for voluntary conservation programs, $6 billion for nutrition programs to combat hunger in this country, $2.6 billion for specialty crops and healthy foods programs, $200 million for rural development programs, $1.1 billion for McGovern-Dole, all of which is paid for in this current farm bill.

The opportunity for reform has never been better, given the strong market prices that exist today. Our reform amendment is fair and completely justifiable.

I urge my colleagues to support real reform so we can help family farmers when they need it, and so we can go home and justify it to the American taxpayer.

Mr. HASTINGS of Washington. Mr. Speaker, at this time I would like to insert into the RECORD a letter that I referenced earlier in which the signature to this letter is Ben and Jerry's Homemade, Inc.

DEAR MEMBER OF CONGRESS: As U.S. subsidiaries of companies based abroad, we are writing to express our strong opposition to including Rep. Lloyd Doggett's bill, H.R. 3160 in the farm bill. This measure is a discriminatory tax targeted specifically at companies insourcing jobs into the U.S. We urge you to vote against the Rule on H.R. 2419 to demonstrate that you oppose targeting companies with significant employment in the United States.

Companies like ours play an important role in the growth and vitality of the U.S. economy, provide high-paying jobs for five million Americans and account for almost one-fifth of all U.S. exports. Discriminatory measures, like the Doggett legislation, send a hostile signal to our companies and other international investors. This bill will certainly dissuade companies like ours from choosing the United States as a location for job creating investment.

The provision under consideration would violate many of our bilateral tax treaties and could lead to retaliatory actions by other countries or withdrawal by our treaty partners from exiting treaties, harshly affecting U.S.-based businesses.

Congress has not held any hearings on this issue. There is no evidence that existing safeguards in current treaties are not effective. Further, if material tax abuses were evident; Treasury Secretary Paulson would not have strongly opposed this proposal.

We urge you to vote against the Rule on H.R. 2419 and to demonstrate your opposition to discriminatory tax increases on companies that support employment in the United States.

AEGON USA, Inc, Akzo Nobel, Alcatel-Lucent, Alcon Holdings, Inc, Allianz of America, BASF, Ben & Jerry's Homemade, Inc., Honda North America, Inc, ING Americas, Inc, Panasonic Corporation of North America, Suez Energy North America, Swiss Re, Thomson Corporation, Unilever.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, I want to thank the Rules Committee for allowing debate on the Manzullo amendment to help the EQIP program. However, I'm deeply concerned about the Democrats' attempt to pit people who work for manufacturers against agriculture by a midnight tax increase against manufacturing workers.

The offset to pay for part of the farm bill would strongly discourage future foreign investment in the United States.

Nissan USA, owned by Nissan based in Japan, borrows money from their finance unit based in the Netherlands. Under our current tax treaty with the Netherlands, no tax is applied. However, under the Doggett amendment, a new 10 percent tax would be applied to this transaction, and the Netherlands would then most likely view this as an abrogation of our tax treaty and seek renegotiation or outright annulment,

thus hurting our overall trade with the Netherlands.

In the northern Illinois district that I represent, the one which led the Nation in unemployment in 1980 at 25 percent, 14,000 manufacturing workers lost their jobs, 200 companies closed up. I just lost another one yesterday. Nissan Forklift in Marengo, Illinois, would be hit with a 10 percent increase. They're not based in Bermuda.

These are common American people, the ones who get up at the crack of dawn. They represent the manufacturing people of this country, and the Democrats are hurting them.

Don't hurt my workers. Don't raise taxes on a bill you have had no hearings on because you don't know. You have to examine what it does to the everyday worker. The Japanese, the English, the Italians, the Swedes, the Germans have all saved manufacturing jobs in my congressional district. I know what I'm talking about.

Vote against this rule. Vote against this bill. Vote for the American worker, who is glad to have his job because somebody came in and invested the money in American manufacturing.

Don't lay off American manufacturers because of a bill that you haven't even researched.

Mr. CARDOZA. Mr. Speaker, I yield 30 seconds to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, if this House of Representatives wants to stand up for the people of America, they will stand up and vote for this rule and for this bill.

We spent many hours, way into the midnight hours, working and bringing every party together. This is not a tax increase; the other side knows it. Their leader said these words President Bush said in his 2008 budget: ''Some foreign companies are inappropriately avoiding taxes that other American businesses pay by using this loophole.'' This is what the Republican President said. This is not raising taxes; it is closing a loophole. Vote for the rule.

Mr. HASTINGS of Washington. Mr. Speaker, I want to once again inquire of my friend from California if we can have extended time on this. I would ask unanimous consent for 5 additional minutes on both sides.

Mr. CARDOZA. We object, Mr. Speaker.

Mr. HASTINGS of Washington. Mr. Speaker, I am disappointed that that happened, because we have seen the passion on this side of people talking about tax policy that has not had a hearing in the committees of jurisdiction in both cases, and we are restricted to only 1 hour to talk about that, without any extension at all.

With that, Mr. Speaker, I would like to yield 1 minute to my friend from Texas, a member of the Agriculture Committee, Mr. CONAWAY.

Mr. CONAWAY. Mr. Speaker, for 18 months I've worked, along with my Democrat colleagues, to try to craft a bipartisan bill that we could be very proud of. Last week, it went through committee with some very hard work on both sides, both sides gave a little, got a little, and we thought left the committee with a great bipartisan bill, a bill which would have Democrats and Republicans for it, and perhaps Democrats and Republicans against it, but a bipartisan bill. We were assured on every turn there would not be a tax increase.

I was a member of the bipartisan whip team on Tuesday and was told as late as noon that there would be no tax increases to pay for the $4 billion. I was misled, and that's unfortunate.

All of the good bipartisan work accomplished by this committee has been squandered by, I believe, the top leadership of the Democratic Party in an attempt to strip Republican support for this bill away. We were going to have a bipartisan bill that was going to pass this floor. We're not going to have that now.

I vote against this rule. It's unfortunate that the other side has seen fit to waste the good bipartisan work that we did. If we can't trust what we tell each other, you cannot work in a bipartisan manner.

Mr. CARDOZA. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and his hard work.

I witnessed for several hours yesterday the great challenges the Rules Committee faced, but I must confess that this rule puts a lot of us in a very difficult position. I am disappointed, to say the least.

This is not just a farm bill; it's the most important rural economic development bill, the most important trade bill, the most important opportunity to broaden the benefits for family farmers and ranchers, and the most important environmental bill that we will vote on this year.

Sadly, I will say at least that leadership did allow the amendment that I'm pleased to work with my friend, Mr. KIND, Mr. FLAKE and Mr. RYAN, the Fair amendment, to at least be heard, but it's only going to be heard for 20 minutes a side. They refused to allow debate on specific areas of meaningful reform, like the legislation that I had proposed to cap at $250,000 an absolute limit. I think it's a serious miscalculation.

This bill deserves to be fully and fairly debated. Now, I almost said I fear that minority voices would be shut out. But it's not the minority of Americans who share the views and objectives that it's time for meaningful reform. Because of the complexity, the misinformation and the powerful special interests that are involved here, it means that this shot that we have, our one shot for the next 5 years, is critical.

Sadly, there is always an excuse to not do all that we can do. Coddling cotton multimillionaires while talking big and delivering modestly is a failure of political will.

I hope at least my colleagues will vote for the Fair amendment. And I hope that the debate, as it proceeds, will be administered as fairly and as openly as possible to allow as many voices to be heard as we can ask.

Mr. HASTINGS of Washington. Mr. Speaker, I certainly associate myself with my friend from Oregon's remarks.

□ 1830

We have different issues. But I think the issue is exactly the same.

With that, I yield 1 minute to my friend from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, first of all, I want to say, again, the Agriculture Committee worked in good faith and in a bipartisan way to come up with a good product, a good bill. We all patted ourselves on the back. We thought we had accomplished that.

Now we see a tax provision that has been put into this at the last moment, a tax provision that has never been vetted. It is a complex tax provision that abrogates treaties. Furthermore, it is a tax provision that is going to hurt the very companies that produce pesticides and fertilizers that are helping our farmers.

My farmers are trying to recover from Hurricanes Rita and Katrina. This provision is going to hurt them. This provision threatens this bill. Frankly, I am offended that we are here at this point in time.

Furthermore, I had an amendment that would have addressed a problem in the bill with the Food Stamp Program. The States need adequate flexibility to create efficiency so that we can take care of our neediest citizens. That amendment was not allowed to go forward in this debate. It certainly deserves a full and open debate, as the previous speaker said.

Our States need this flexibility. It is going to cost the State of Indiana over $100 million. Other States need this flexibility as well.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, I rise in strong opposition to this rule. For several months, the House Agriculture Committee worked in a bipartisan manner to pass a bill that would make historic investments in conservation, nutrition and renewable energy, while maintaining strong support for American farmers. The committee put aside partisan differences and worked together on a bill that meets the needs of American farmers, without raising taxes.

Today House leadership has brushed aside months of hard work by Republicans and Democrats on the House Agriculture Committee and decided to insert a 600 percent tax increase on manufacturers who employ 5.1 million Americans workers and pay $325 billion in wages. Additionally, the anticompetitive Davis-Bacon provision included in this bill would drive up the

cost of building ethanol plants and discourage alternative energy production.

Yet today, this rule does not allow Members a vote on striking these provisions. Right now, governments throughout the world are cutting taxes for job traders to attract investment. The Democratic proposal will drive investment and jobs out of America and greatly diminish America's competitiveness.

Mr. Speaker, for these reasons, I strongly oppose this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to a former member of the Rules Committee, the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Speaker, just 2 days ago, the House was on track to pass this year's farm bill with a bipartisan vote. Then, in the eleventh hour, the Democratic leaders blindsided America with the news of how they were going to pay for this bill: by putting 5.1 million American jobs at risk.

This bill imposes massive tax increases on businesses, violates trade treaties, discourages investment in America and weakens U.S. competitiveness internationally. It costs good manufacturing jobs.

For instance, in my district in Ohio, Honda employs more than 16,000 Ohioans and has invested more than $6 billion into my State. Its suppliers employ an additional 40,000 Ohioans. Tax receipts from Honda provide revenue for 53 Ohio cities and 43 school districts. Honda is by no means alone in its contributions. U.S. subsidiaries in Ohio employ more than 200,000 Ohioans.

Mr. Speaker, the Democrats have shown their true colors again. We need not sacrifice American manufacturing jobs for a strong American agricultural economy. They can and should coexist.

Mr. CARDOZA. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KAGEN).

Mr. KAGEN. Mr. Speaker, this rule asks a very simple question of all of us: Whose side are you on? Do you stand with overseas corporations who exploit American tax loopholes, or do you stand with American farm families who pay their fair share every day? Whose side are you on?

Let me point out where I and my Democratic colleagues stand: We stand with American farm families who plant, who grow and who harvest everything we eat. We stand with those most in need. We also support a strong nutrition program. We stand with our Nation's children, and are providing them with access to fresh fruits and vegetables. We stand with local agricultural businesses connecting local farmers to their communities to bring their products to market. And we stand for responsible reforms to our Nation's agriculture policy.

The question is simple: Whose side are you on?

We do not sit in the boardrooms. We do not represent corporations who take advantage of loopholes in our tax codes that even the Bush administration and the Treasury Department have said need to be plugged.

Mr. Speaker, I urge my colleagues to support this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to a member of the Agriculture Committee, the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. Mr. Speaker, I am on the side of those who would like an open process. I am extremely disappointed with this tax provision. It can be characterized however one might wish to characterize it. But I am on the side of a process that is open, where a tax provision has a hearing and gathers input from the general population so that we can move forward with good policy.

As a representative of a heavily agricultural district, I hope that we can pass a farm bill that is good, sustainable policy. We are well on our way.

As a member of the Agriculture Committee, I was proud of the process. It was very polite. Actually, the committee process was very open. Then all of a sudden we are blindsided, Mr. Speaker, with this tax provision.

It is extremely disappointing to me, Mr. Speaker, and I hope that we can defeat this rule so that we can open up the process perhaps and move forward with good policy and a good, open process.

Mr. CARDOZA. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Mr. Speaker, farm and ranch families deserve a safety net, and fiscal responsibility demands that we pay for it. We pay for this farm bill, every penny of it, and some of it is done by stopping one group of multinational corporations from dodging their United States tax liability. For too long they have enjoyed a free ride from these Republicans, at the expense of other American taxpayers. It is wrong, and we are putting a stop to it.

Our target is very narrow: No company headquartered in the United States of America will have its taxes go up one penny, nor will it have any significant impact on any foreign corporation with whom we have a tax treaty, as we do with most developed countries. Indeed, 90 percent of the revenue, according to the nonpartisan staff of the Joint Tax Committee, comes from companies that have tax hideaways with these countries down in the Caribbean that have no tax treaty and no corporate taxes or little taxes. And the remaining 10 percent of revenue from their proposal, most of it is going to be simply a matter of shifting taxes between countries in tax credits.

I have listened to these Republicans identify one company after another that they cried big crocodile tears about, and I haven't heard them identify a single company that is likely to have an increase in its taxes as a result of this proposal.

There are others hiding in the shadows that know they have no justified case. And they have some of their friends out front, including one company that I read an e-mail from yesterday saying they don't like my bill, but it doesn't affect them a penny. That is the people that own Ben and Jerry's.

Well, today the Administration may be teaming up with those willing to kill this farm bill by defending these foreign tax evaders, but that is not the tune they were singing 5 years ago when in this Treasury report they said ''an appropriate, immediate response, an immediate response, should address the U.S. tax advantages that are available to foreign-based companies because of their ability to reduce the U.S. corporate tax on income from their American operations.''

Mr. BRADY says Treasury did something about it? They sat on their rear and didn't do anything about it. And if you need any proof of that, gentleman, turn to the President's budget 5 months ago. He turned to this same source of revenue and all this job-killing tax proposal you are talking about. How many jobs did his $2 billion proposal that he put out here 5 months ago in February kill? Well, you haven't suggested there are any, because even this President, President Bush, admits there is a problem here that needs to be fixed, and this committee gets about fixing it.

You talk about jeopardizing 5 million jobs. What a lot of nonsense. That is all the jobs of all the foreign subsidiaries in the United States, the vast majority of which are corporations that are not touched by this proposal.

Your problem isn't jobs. Your problem is you never met a tax loophole you didn't like. You never met a tax dodger you didn't want to help. You have done a good job of doing it, and it is time we fix that.

I don't know why it is that a farm and ranch family in High Hill, Texas, or a drugstore on the main street of Bastrop, Texas, ought to have to pay higher relative taxes on their earnings than some multinational with a fancy CPA and a law firm and a hideaway in Bermuda.

It is wrong, and each of us must stand to choose between the two.

POINT OF ORDER

Mr. PEARCE. Mr. Speaker, I have a point of order. Are we requested to address our comments to the Chair?

The SPEAKER pro tempore. The gentleman should seek recognition rather than interjecting from his seat.

But the gentleman is correct that Members should address the Chair when they are speaking, and not others in the second person.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. MCCRERY), the ranking member of the Ways and Means Committee.

Mr. MCCRERY. Mr. Speaker, the previous speaker, the gentleman from Texas, talked about a memo from

Treasury 5 years ago. The fact is, since that memo was sent out, or since that study was done, Treasury has undertaken a very aggressive policy of amending tax treaties with countries to solve the problem that was mentioned in that study. Also, in the jobs bill that we passed just a couple of years ago, we legislatively attacked the problem that was mentioned in that study. So steps have been taken, both legislatively and regulatorily, to solve that problem.

The President's budget, the gentleman himself said it raises $2 billion, approximately. His provision raises twice that. So it is apples and oranges, and obviously his provision is much broader than what the President's budget contemplated.

But, you know, I was just sitting there listening to this debate, and Americans out in the country watching this must be shaking their heads. You have got Democrats who are saying one thing and Republicans who are saying just the opposite. Republicans: It is a tax increase. Democrats: It is not a tax increase, it is a loophole closure. It is like they have been brainwashed by somebody and we have been brainwashed by somebody.

Mr. Speaker, we could have avoided this, I believe, if the majority had followed regular order; if they had allowed the Ways and Means Committee, the committee of jurisdiction over the Tax Code, to hold a hearing on this provision, to flesh it out, to hear experts on both sides, or all sides, and then let us discuss it and ask questions, probe.

Mr. DOGGETT is one of the smartest Members of our committee, and he knows a lot about the Tax Code, and especially the treatment of international companies doing business here in the United States, and I give him that. But, dadgummit, we should have had a chance to honestly debate this, and not have the majority just throw it in overnight on a farm bill, without even sending it through the Ways and Means Committee. That is wrong. That is a lousy way to legislate. It is wrong.

That is why Members on both sides of the aisle should vote no on this rule, to give this House the opportunity to act responsibly and to give the Ways and Means Committee back some of its honor. It is getting gutted by actions like this week after week after week. I am tired of it, and I ask the House, not Republicans or Democrats, Members of this proud House, to go back to doing things properly, and then maybe we will figure out something in between that we can all support.

□ 1845

Mr. CARDOZA. Mr. Speaker, how much time remains?

The SPEAKER pro tempore. Both sides have 3¼ minutes remaining.

Mr. CARDOZA. Does the gentleman from Washington have any remaining speakers?

Mr. HASTINGS of Washington. I have more speakers than I have time, and I would like to inquire of my friend if he would like to entertain the proposition I offered a moment ago.

Mr. Speaker, I ask unanimous consent for 5 additional minutes for each side.

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

Mr. CARDOZA. Mr. Speaker, I object to the request to extend debate. As the gentleman from Washington knows, there will be another hour of debate on the bill and then 31 amendments. There is ample time to debate this bill, so I would have to object.

The SPEAKER pro tempore. Objection is heard.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New Mexico (Mr. PEARCE), a member of one of the committees that was denied any opportunity to talk about the tax provisions.

Mr. PEARCE. Mr. Speaker, I thank the gentleman for yielding, and it is always imperative that we discuss issues that are brought forward.

Members of Congress often point to other countries who abridge treaties, who abridge contracts of our companies working in those countries, and they claim foul. Recently Hugo Chavez nationalized the oil industry and the electricity and oil companies. Yet the people who work for oil companies that are U.S. oil companies trying to push back that takeover were told why shouldn't we do that, your own government is doing it; we have the right.

They are referring to the language that is in this bill that affects the offshore leases, the '98–'99 leases. The Washington Post described the actions that were taken back on H.R. 6, which are very similar to these actions, as ''heavy handed.'' The stability of contracts, this heavy-handed approach, an attack on the stability of contracts would be welcomed in Russia, Bolivia, and others have been criticized for tearing up revenue-sharing agreements with private energy companies.

Mr. Speaker, we are doing things that affect oil companies and energy prices to Americans. I oppose this rule because it violates the rule of law.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. GINGREY), a former member of the Rules Committee.

Mr. GINGREY. Mr. Speaker, while I see good reforms and programs in this farm bill, I also see onerous provisions such as a massive tax increase on foreign companies who are providing good jobs here in the United States, and Davis-Bacon restrictions on biofuel production plants that drive up costs far beyond any included incentive grants.

In 2003, a constituent of Georgia's 11th District named Greg Hopkins took a big risk and decided to construct and operate a biofuel production plant called U.S. Biofuels in Rome, Georgia. He found a market demand, and that is the reason for his plant. But in order to make a profit, Greg has to minimize costs wherever possible. If the United States is serious about moving our country to alternative fuels, we don't need restrictions like Davis-Bacon prevailing wages.

It is clear to me that the Democratic leadership of the 110th Congress is more interested in doing favors for deep-pocketed labor union supporters than protecting domestic biofuel producers, and I must oppose this rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of my time to the gentleman from Kentucky, a classmate of mine, Mr. WHITFIELD.

Mr. WHITFIELD. I want to commend all those for the hard work they have done on this rule. I must say that the American people today, 14 percent of the American people only, approve of Congress as an institution. I think there are many reasons for that.

For example, with this farm bill we have an opportunity once every 5 years to address major issues in the farm bill. Yesterday, the chairman of the Natural Resources Committee, the Budget Committee, two other Democrats and two Republicans offered an amendment to the Rules Committee on an issue that has been on this House floor five separate times and every time it passed overwhelmingly, but we needed this amendment to finally bring this issue to a conclusion. And although four people on the Rules Committee that spoke applauded our efforts and were very complimentary of it, we were not given an opportunity to bring this amendment to the floor.

In addition to that, the tax issues relating to the farm bill have not been adequately explained, have not been adequately debated. In the committee that I am on, the Energy and Commerce Committee, there is an SCHIP program that provides $100 billion in cost over the next 5 years; and to pay for that, we have not had any opportunity to debate that.

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

MOTION TO ADJOURN

Mr. WHITFIELD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 174, nays 248, not voting 10, as follows:

[Roll No. 745]

YEAS—174

Aderholt	Alexander	Baker
Akin	Bachus	Barrett (SC)

Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
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)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
LaTourette
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—248

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

NOT VOTING—10

Baird
Clarke
Cubin
Culberson
Davis, Jo Ann
Hunter
LaHood
Pickering
Waters
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1914

Ms. SCHWARTZ, Mr. BOUCHER, Mr. FOSSELLA, Ms. SOLIS, Mr. LEVIN and Mr. ENGEL changed their vote from ''yea'' to ''nay.''

Messrs. HAYES, BARRETT of South Carolina, REICHERT, FRELINGHUYSEN, BURGESS, TURNER and BROUN of Georgia changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2419, FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. The gentleman from California has 3¼ minutes remaining.

Mr. CARDOZA. Mr. Speaker, I have stood here for the better part of an hour as we debated this rule, and I frankly cannot believe what I am hearing.

It sounds to me like the Republican caucus of this body is actually considering voting against the thousands of farmers, their families, and the millions of people throughout this country that rely on farming for their livelihood in favor of a few wealthy international companies who are deliberately evading U.S. tax law and big oil companies that have been gouging Americans at the pump.

The truth is that the Ways and Means Committee has taken the advice of the Bush administration and closed a loophole for tax cheats in order to pay for lifesaving nutrition programs for millions of Americans. This energy offset comes from reducing taxpayer subsidies for multinational oil and gas companies that have enjoyed a free ride from this Congress for far too long.

The price of oil today in New York was $75 a barrel. Is that not enough for Americans to pay? So enough with this song and dance. This is about closing loopholes for tax cheats, a loophole that your Republican administration has been advocating. This is closing a loophole for tax cheats, a loophole that this administration has been advocating being closed for years, as it is reducing windfall profits for Big Oil.

I urge my colleagues to make the right choice here and stop playing politics with the American public.

We used to have a $30 billion trade surplus in agriculture. Like everything else, we are trading that away. If we aren't careful, we are going to become an importer of agricultural goods for the first time in the history of the United States. That won't happen on our watch.

It's bad enough that countries like China, Japan, and Saudi Arabia are our bankers. Let us not make them our farmers, too. That is not the way this country was built, and I assure you this new Democratic Congress will not abandon our farm community.

This is a once-in-a-lifetime bill that will meet our country's needs. Every major group, the commodities, the specialty crops, the nutrition groups, the conservationists and others support this bill.

A ''yes'' vote on this rule and the underlying bill is a vote for the hungry, a vote for the environment, a vote for energy independence, but, most importantly, a vote to deliver on our longstanding commitment to rural America.

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

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I rise in opposition to this rule. The rule waives all points of order on the underlying bill to shield the Democratic Leadership's attempt to bypass the rules of the House and the jurisdiction of the Committee on Ways and Means. Clause 5(a) of Rule 21 states that, "a bill or joint resolution carrying a tax or tariff measure may not be reported by a committee not having jurisdiction to report tax or tariff measures."

Yet, the bill before us today was not reported by such a committee, only by the Committee on Agriculture. Specifically, Section 1303 of the bill would change the administration of U.S. tariff rate quotas for imports of sugar so that the tariff rate quotas no longer apply on a yearly basis, but rather on a semi-

annual or even quarterly basis for certain imports.

Under this provision, importers who wish to import sugar into the United States outside of the narrow time period specified in the bill would be required to pay the over-quota tariff rate rather than the in-quota tariff rate to which they would otherwise be entitled. Thus, this provision would increase the tariff rate on these imports from 1.46 cents per kilogram to 33.87 cents per kilogram: an increase in the tariff rate of over 2,000 percent.

In effect, this bill changes the tariff classification of these imports because it changes the tariff to which these imports are subject based on when they are imported into the United States. As a result, this language would affect the amount of tariff revenue collected, thus triggering clause 5(a) of rule 21.

Completely egregious in its own right on the merits, the inclusion of this provision also flies smack in the face of the rules of the House and should not be included in the bill today. But, sadly today we are precluded from raising a point of order against this provision as a result of this rule.

Mr. Speaker the rule also contains a self-executing tax increase that will put the squeeze on investment in the U.S. and cost America jobs. Also not considered by the Committee on Ways and Means, this provision, masquerading as a way to keep jobs here, will in fact send jobs overseas.

The practical effect of this amendment is that employers like BASF in Evans City, Pennsylvania will be at a direct disadvantage simply because they have chosen to locate a manufacturing plant in the U.S.—and employ U.S. workers—but have a parent company based in Germany. Similarly, companies throughout my district would be indirectly affected as a result of some of their customers—companies like Honda and Sony among others—being disadvantaged by this provision. In addition, this provision completely disregards obligations made under international tax treaties.

Mr. Speaker, American workers deserve better, American employers deserve better, and our treaty partners deserve better.

I urge a "no" vote on this most misguided rule.

Mr. CARDOZA. 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. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of House Resolution 574 will be followed by a 5-minute vote on agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 202, not voting 8, as follows:

[Roll No. 746]

YEAS—222

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

NAYS—202

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
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Gilchrest
Gillmor
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Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
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King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
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
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
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Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NOT VOTING—8

Clarke
Cubin
Davis, Jo Ann
Hunter
LaHood
Rogers (AL)
Waters
Young (AK)

□ 1937

Mr. SESSIONS changed his 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.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal.

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

COMMUNICATION FROM CONGRESSIONAL AIDE OF THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from John Bristol, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

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

Sincerely,

JOHN BRISTOL,
Congressional Aide.

COMMUNICATION FROM CONGRESSIONAL AIDE OF THE HON. MARK UDALL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Carter Ellison, Congressional Aide, Office of the Honorable MARK UDALL, Member of Congress:

CONGRESS OF THE UNITED STATES,
Washington, DC, July 12, 2007.

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the U.S. House of Representatives, that I have been served with a subpoena, issued by the Westminster, Colorado Municipal Court, for testimony in a criminal case.

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

Sincerely,

CARTER ELLISON,
Congressional Aide.

GENERAL LEAVE

Mr. PETERSON of Minnesota. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on H.R. 2419.

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

There was no objection.

FARM, NUTRITION, AND BIOENERGY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 574 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. 2419.

□ 1942

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. 2419) to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes, with Mrs. TAUSCHER 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 Minnesota (Mr. PETERSON) and the gentleman from Virginia (Mr. GOODLATTE) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. PETERSON of Minnesota. Madam Chairman, today we have a bill before us that is known as the farm bill, but this bill is much more than about farms. It is about the food we eat, the clothes we wear, and, increasingly, the fuel that we will use.

The farm bill assures that we will have a safe, strong food supply now and for years to come. It funds nutrition programs and ensures that working families have enough to eat. It provides conservation programs to protect the environment. It funds rural development programs in support of our rural communities nationwide. You can see that this farm bill is certainly about more than just farms.

In addition to these important priorities, this farm bill also provides the safety net that allows our Nation's farmers and ranchers to continue to provide the food, fiber, and fuel that meet the needs of Americans and people around the world.

America is still the world's breadbasket, and that is something we should be proud of. Over the past year, my colleagues and I have traveled across the country from New York to Alabama, to my neck of the woods in Minnesota, and all the way to California. We heard from folks who are out there every day working the land, producing a diverse range of agriculture products.

The farm bill is a product of agreements that we have reached by consulting everyone interested in this process. In addition to hearings across the country, we have worked with nutrition advocates, conservation and environmental organizations, renewable energy groups, and representatives from all parts of the fruit and vegetable industry, in addition to the farm groups traditionally involved in the farm bill.

At the end of that process, we now have more than 100 organizations representing conservation, nutrition, rural development, renewable energy, labor and farm groups that have signed on in support of this bill. I think that this unprecedented support is a direct result of our efforts to be inclusive in this farm bill process.

There are very few issues that the National Farmers Union and the American Farm Bureau Federation can agree on, but at the end of the day, they both support this bill.

The members of these groups who support our farm bill are the real experts on farm policy because it is a reality that they live each day of their lives. They are the ones on the land planting the crops, managing the livestock and taking the risk inherent in the industry of farming. They are the ones who represent the people using the farm bill's nutrition programs. They are the ones working to implement good conservation practices in the communities across this country. If they support our bill, then I know that we're doing the right thing.

This farm bill also includes significant reforms. Of course, some people think we went too far. Others think we didn't go far enough. But everybody seems to agree that they never thought that we could get an agreement that went as far as it has. That is what this farm bill is about. We got the different groups into the room and produced an agreement that everyone feels like they've been part of the process, even if they didn't get exactly what they wanted.

This bill does make significant changes, including a hard cap on subsidies for the first time ever. We've taken the $2.5 million adjusted gross income cap down to $500,000. And we have put a hard cap on of $1 million so that anybody over $1 million of adjusted gross income will not receive farm payments after this bill passes.

We have also cut the soft cap that I mentioned on adjusted gross income to $500,000. We also, in this bill, required direct attribution for the first time of farm program payments so that people won't be able to get around the payment limits by receiving payments through different business entities. These are not insignificant by any means, and these changes will affect thousands of farmers nationwide.

In the area of conservation, too, we have made significant changes as well as new investments. One thing we've done, we have included the same kind of payment limits on conservation programs that we have had for farm programs. That way, there's more money available to more farmers to participate in these popular programs.

The bill also includes $3.8 billion in new spending for conservation programs over the next 5 years. These programs help farmers protect the environment with programs that reduce erosion, enhance water supply, improve water quality, increase wildlife habitat, and reduce damage caused by floods and other natural disasters.

This farm bill provides new resources to protect and preserve the Chesapeake Bay and other high-priority areas, and it encourages private land owners to provide public access for hunting, fishing and other recreational activities.

In the area of renewable energy, this farm bill invests in programs that will help encourage the development of cellulosic ethanol in this country. In my opinion, this represents the future for American agriculture. Once we can establish the first facilities that can make ethanol from agricultural waste and other biomass products, we will take a huge step in a new direction for agriculture and for rural America.

Many of the best feedstocks for cellulosic ethanol will also provide benefits for wildlife and for the environment. Renewable fuels have brought new investment and new jobs for rural America, and this is one of the most exciting things that's happened in my life and in American agriculture.

We have also proposed increases in the farm bill's nutrition title. This has been a source of some controversy this week, but not because people disagree with the idea that we should be increasing these benefits which have been stagnant for many years and making sure that benefits keep pace with inflation,

Instead, the controversy has involved the proposal that the Ways and Means Committee has proposed to offset the cost of these changes. I hope that my colleagues on both sides of the aisle will recognize that there is a difference between closing a loophole in current tax law and increasing taxes. This proposal won't raise taxes, but it will hold some foreign companies who should be paying taxes accountable for what they owe.

The Agriculture Committee agreed, on a bipartisan basis, that these changes in the nutrition program were important to help working Americans access these nutrition programs, and we have found a reasonable, fiscally responsible way to do this.

Another area where this farm bill makes great strides is in funding for programs that strengthen the fruit and vegetable industry. We have worked with this industry and have included $1.5 billion in new mandatory money for them in this farm bill. That's the first time that we've done this.

The Specialty Crop Alliance, United Fresh, and many other fruit and vegetable groups strongly support this bill as passed by the Agriculture Committee.

We also worked with several caucuses in crafting this bill, including the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Native American Caucus. With the Congressional Black Caucus, we have worked to address important issues, including a program in the manager's amendment that will help black farmers who did not get their day in court due to inadequate notice and an arbitrary deadline established after the Pigford case was settled. This provision will allow farmers who filed their claims after the national deadline to have their cases heard.

We have also included other provisions to make USDA programs more accessible to minority, socially disadvantaged and beginning farmers and ranchers. This includes provisions to expand access to land, credit, conservation and rural development programs.

One of the most important compromises reached in this farm bill was an agreement to finally, after a long delay, implement mandatory country of origin labeling. We put both sides in the room; we told them to come out with a compromise, and they delivered. As a result, with this farm bill, consumers in this country will finally be able to tell where their fruit and vegetables and meat products in their grocery stores are coming from, and we think it's about time.

We accomplished all of this under an open process where everyone was included. All members of our committee were engaged in this process, and I'm proud to say that some of our newest freshman Members, including colleagues that have been there for years, really brought a lot of constructive ideas and a spirit of bipartisan cooperation to the table and helped us come up with a bill that we are all very proud of.

There is something in this bill for everybody to like. There's probably something in this bill for everybody not to like. But it's a step in the right direction and has broad support, as I said, from many organizations. And I encourage my colleagues to support this farm bill which supports all of us with food, fiber and fuel.

Madam Chairman, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield myself 5½ minutes.

Madam Chairman, it's a sad day for American agriculture when the Democratic leadership pits America's farmers and ranchers against America's working class. The tax increases included in this bill stand to jeopardize millions of American jobs by raising taxes on companies that do business in the U.S. Not only does this provision cunningly added by the Democrat leadership after the bill left the control of the Agriculture Committee jeopardize American jobs, it stands to violate treaties with other nations and lead to significant ramifications for U.S. companies with operations in other countries. Worst of all, we're not even considering a tax bill; we're considering a farm bill, a farm bill that has been twisted into a partisan pawn.

At the beginning of the week, I stood beside the chairman of the Agriculture Committee to voice my support for this bill that we had worked in a bipartisan fashion to bring to the floor. I had only one caveat, that the offsets not be in the form of tax increases. Not 24 hours before we were to consider this bill on the floor, we were made aware of a tax increase provision that had been added to this language behind closed doors. Unfortunately, all of the good things contained in this bill have been overshadowed by very partisan elements of what should be a bipartisan bill. Today we should be debating the merits of this bill, a bill that was carefully crafted to meet the calls for reform and expand programs such as nutrition and fruits and vegetable programs. But the leadership has decided to take American agriculture out of the debate on the farm bill.

Heading into the reauthorization of the farm bill, Agriculture Committee Republicans anticipated problems with the budget, given the collapse of the baseline projections for the commodity programs. The lack of funding for the nutrition interests further compounded the problem. As the number of nonfarm interests in farm bill funding has grown and the availability of funding dwindled, farm programs have become particularly vulnerable, and the Democratic leadership and the Budget Committee refused to address the needs of a forward-looking farm bill.

From the start, the Agriculture Committee Republicans have made our concerns about funding for this bill very clear. When the chairman announced his projected farm bill time line on May 17, I urged him not to rush the process and find the offsets before promising the money in the farm bill language. Again and again, I, along with my subcommittee ranking members, have implored the committee to slow down, to wait until the money is available before moving ahead.

At the Conservation, Credit, Energy and Rural Development Subcommittee markup on May 22, both subcommittee ranking member FRANK LUCAS and I urged caution in rushing the process.

On May 24, at the Livestock, Dairy and Poultry markup, the message was the same. The subsequent markups on June 6, 7, 15 and 19, the message to the leadership of this committee was the same; slow down and find the money. We were consistently told the money would be made available, and we were consistently denied any further information.

It would be disingenuous for my Agriculture Committee Democrat colleagues to claim our objections are at all new or recently conceived. We have worked in a bipartisan fashion throughout this process and had the opportunity to take a bipartisan product of the committee to the floor. But our work has been undermined by the addition of tax increases without consultation, review or due process to cover the extra costs of the bill.

Despite repeated assurances that the $4 billion in offsets would not come from tax increases, here we are, looking at tax increases as a funding mechanism of choice employed by the Democratic leadership.

Moreover, to insinuate that Democrats were made to do anything by the Republicans' opposition to revisions that would directly impact U.S. jobs is preposterous. The Democrats and the Democrats alone are solely responsible for any modifications made to this bill after it left the Agriculture Committee.

Because the Democrat leadership won't invest in American agriculture, they're calling for increased taxes to pick up the tab to fund our domestic priorities by increasing taxes on companies that provide millions of Americans with good jobs and stimulate economic growth.

I anticipate this tax increase will likely be the first of many needed to fund the priorities that bulge between the majority's budgets.

Rural America is served best when we work together in a bipartisan fashion. With passage of this rule, partisanship invades rural America and destroys bipartisan support for the underlying legislation.

I want to be clear, I support the farm bill. I do not support the nonagriculture, non-Agriculture Committee approved tax increase that has been shamefully attached to this legislation.

Prior to the announcement of this tax increase, it was clear that the administration, which has opposed this bipartisan effort, it was clear that a veto threat was headed our way.

A bipartisan farm bill without this tax increase would have produced a veto-proof majority and would have sent this farm bill soaring into the negotiations with the Senate. Now this farm bill will not be an effective product to move American agriculture forward.

I urge my colleagues to reject this legislation.

Madam Chairman, I reserve my time.

Mr. PETERSON of Minnesota. I'm now pleased to yield 2 minutes to my good friend, the distinguished chairman of the Ways and Means Committee, Mr. RANGEL from New York.

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

Mr. RANGEL. Madam Chairman, it's an honor for me to be here. I wish that we didn't have to mark up the SCHIP bill so that I could be here for the rest of the theater.

I have been overly impressed with the remarkable bipartisan work that Mr. GOODLATTE and Chairman PETERSON have been doing on a very complicated piece of legislation. And I was very surprised that, with their ability to, so-call, offset the expenditures of the bill, that they came to the conclusion that when it came to food stamps they ran out of money.

□ 2000

Ran out of money to such an extent that I was really completely taken off guard when they told me that the Ways and Means Committee should provide $4 billion to pay for the food stamps. And I admit I don't follow the Agriculture Committee's work as closely as I should have. But knowing that Republicans as well as Democrats wanted to make certain that 26 million people will continue to have food stamps, I said, where would you expect the tax-writing committee to get the money that is necessary to keep this bipartisan agreement to? I assume if you went to the Energy and Commerce Committee, you would be going there for energy. If you went to the Transportation Committee, you would go there for transportation. And I assume that we talk the same language, and the Ways and Means Committee is the tax-writing committee.

And when you said it was important to maintain this bipartisan agreement, I looked over the jurisdiction of the Ways and Means Committee. It wasn't $4 billion in Social Security. It wasn't $4 billion in Medicare. It wasn't $4 billion in training, though we were working hard to make certain to break down the barriers so that our farmers could go overseas.

So there is not one living person on the Agriculture Committee that didn't ask me to get it out of what? Taxes. Sorry to use that word, and I don't know who is offended. But we felt that we weren't going to raise individual taxes. We weren't going to increase corporate taxes. So I thought that common sense and political sense would mean that we would find out who is not paying taxes and bring that revenue in so that we can have a bipartisan agreement in the House and the Senate in order to do this.

Now, strange things can happen, and it appears as though it has. But I just want you to know that you can call it offset. You can call it revenue enhancement. And we call it fraud and evasion and equity and fair play. And it is coming out of the tax-writing committee.

I just hope you never come to the tax-writing committee and ask for relief and, when you get it, say you don't want tax increases.

Mr. GOODLATTE. Madam Chairman, I yield myself 10 seconds to say to the chairman of the Ways and Means Committee that neither I nor any other Republican on this committee that I know of ever went to him and asked for any, any funds whatsoever, certainly not from a tax increase.

Madam Chairman, at this time it is my pleasure to yield 1 minute to the gentleman from Alabama (Mr. EVERETT), the distinguished ranking member on the Agriculture Committee.

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

Mr. EVERETT. Madam Chairman, I rise in strong opposition to the 2007 farm bill. The budget resolution that we were forced to work with was woefully inadequate for production agriculture. Moreover, the Ways and Means Committee, regardless of what the chairman says, included a tax increase on companies to pay for this bill.

I have great concerns for Southeast peanut producers, who grow almost 85 percent of all peanuts grown in this Nation. They are the number one losers in this bill. There is included, in the manager's amendment, an important new initiative that will not only help all peanut producers address rising input costs, but will ensure greater yields and better stewardship of the land through enhanced crop rotation. But the $10 million annually allocated for this program is not enough to ensure this program is successful.

The "Farm Bill" is called the farm bill for one reason—to address agricultural needs of our farmers and ranchers. However, the bill before us seems to forget the farmer and rural America—specifically at a time when many of them are facing difficult times.

I understand the financial constraints that we had to work on this bill. But in light of those constraints, significant funding increases were given to conservation and nutrition programs at the expense of production agrculture. Additionally, I oppose the last minute developments that have occurred to attach a provision to increase taxes to pay for some of these increases.

I strongly oppose these actions, they should not be in the Farm Bill, and overall it will hurt Americans.

I am also concerned over how this additional funding is being allocated. Specifically, $1.6 billion was specified for specialty crops—most of this money going to California—a state that is ranked 10th nationally in receiving federal subsidies. Additionally, $150 million was set aside in the bill for air pollution in California.

Secondly, conservation funding receives a $1.35 billion increase in funding. A significant amount of that money has been set aside for specific watersheds. In particular, the Chesapeake Bay Region is receiving $400 million alone for conservation programs for this watershed.

Historically, the Chesapeake Bay and other watersheds specified in the bill have received billions of dollars in the past for these efforts and should not be given special preference in this bill. Chesapeake Bay has received over $700 million annually for conservation programs addressing the watershed. Why do they need preference throughout the program when the rest of the nation is also addressing similar issues?

I am specifically concerned over the preference being given to several watersheds under the new Regional Water Enhancement Program. I was pleased that this new program was included in the bill—it is an issue very close and dear to my heart. I have been working on this legislation for several years and I am pleased that much of the language of my Farm Reservoir Act has been included in this program. This program will provide cost-share assistance to agricultural producers for projects like the construction of on-site reservoirs. It upsets me that specific watersheds were given priority consideration under this program.

Fortunately, an amendment during full markup was included to limit these watersheds in receiving no more than half of the funding. However, I believe that the Regional Water Enhancement Program should not be a place for "earmarks" but open to all regions of the country—all who are dealing with water issues that are important to their region.

For my part of the country, farmers in the Southeast are facing a devastating drought and farmers are faced with the loss of most—if not all—of their crops. Many ranchers are being forced to sell their herds since they have no feed for them. This program would help many of these farmers to build farm reservoirs that will help farmers during these difficult times and could help save many of their crops—a savings to taxpayers in the future in crop insurance and disaster payments.

Some would try and argue that my state is guilty of also receiving large subsidies that I have just spoken against. Many of you may be surprised to know that Alabama is in the bottom half of the nation in receiving federal subsidies—27th out of 50. I like to also point out that 72 percent of all farmers and ranchers in Alabama do not collect government subsidies.

These are the same farmers and ranchers that are struggling with severe drought conditions and are hoping for some federal assistance to help them get through these difficult times—whether through disaster payments or federal programs like the Regional Water Enhancement Act. However, a permanent disaster payment was not incorporated in this bill because there was not enough money.

All of the programs in the Farm Bill are important but to receive such a drastic increase while producers are struggling does not seem right. Claiming there is no money to include a permanent disaster payment program for farmers who face significant financial loss of crops due to natural disasters like hurricanes, drought, wild fires, disease, pests and tornadoes—is wrong!

I look forward to continually working with the Chairman and Ranking Member to address many of these concerns as we move forward.

Mr. PETERSON of Minnesota. Madam Chairman, I am pleased to yield 6 minutes to the distinguished Chair of the Foreign Affairs Committee, my good friend Mr. LANTOS from California.

Mr. LANTOS. Madam Chairman, I want to thank the distinguished chairman of the Agriculture Committee, my good friend from Minnesota, COLLIN PETERSON, for his outstanding leadership on this critically important bill.

Today we reconfirm one of this government's most solemn commitments: reaching out to help the most desperate people on the planet. By reauthorizing and strengthening the longstanding and successful Public Law 480 food aid program, we show the entire world that we are serious about using our vast resources for resoundingly positive action.

The 850 million people around the globe without sufficient food cling to a precarious existence: foraging for daily sustenance, unable to take care of their starving families, and locked into a perpetual cycle of poverty and hunger.

The lack of food is particularly vicious for HIV and AIDS patients, whose medications often make them even hungrier. They now live longer with the medications the United States has provided under landmark legislation we in Congress passed 5 years ago, but, Madam Chairman, in a cruel twist of fate, they trade the pains of the disease for the pangs of hunger.

The plight of the starving represents one of the most disturbing and dire societal shortfalls on this planet, and addressing worldwide hunger represents the most unambiguous American moral obligation that faces us today.

That is why the international food aid programs reauthorized in Chairman PETERSON's bill we are considering today demand our full and enthusiastic support. We sit here discussing this bill in the comfortable, air-conditioned Capitol, where we cannot really fathom what it is like to be scrounging for food in one of the world's many developing nations. I hope my colleagues will remember this when considering any effort to weaken these indispensable initiatives.

Our bill reauthorizes the historic and widely praised Public Law 480 food aid program. Public Law 480 was originally established in 1954, and it propelled the United States into worldwide leadership in the donation of food to developing nations and their millions of people. For more than half a century, our groundbreaking law has utilized the abundant agriculture resources of America to help ameliorate hunger around the globe.

Public Law 480 and the other food aid programs are so successful because of a simple recipe: the combination of the American people's compassion, and the dedication of private organizations and the companies that make the programs work. This supply chain highlights the unparalleled productivity of our farmers and processors and the dedication of those who administer, transport, and distribute food aid.

This broad and diverse network has enabled Congress and the executive branch to sustain strong funding levels to feed the world's hungry for decades. Our legislation before Congress today maintains this strong coalition; yet at the same time, it updates and modernizes the program to make it more effective.

I am particularly delighted to highlight that this bill restores mandatory funding for the landmark McGovern-Dole program, which lives up to the accomplishments of the two great former Senators, one Republican, one Democrat, who created it. This program specifically targets the legions among the world's starving who are least able to help themselves: the children of the poor across the globe.

The bill also increases funding for developmental food aid. The administration in recent years has blurred the line between so-called ''developmental food aid'' and ''emergency food aid.'' But with 850 million people starving on this planet and the vast majority of them chronically short of sustenance, the beneficiaries of developmental food aid are just as needy as recipients of emergency food aid. They don't care what pot of money funds the donated food; they only care to see their families fed.

The manager's amendment proposed by the distinguished chairman Mr. PETERSON includes language that was passed by my Foreign Affairs Committee authorizing a critical $2.5 billion for international food aid programs.

I urge all of my colleagues to join me in passing this most important legislation, which will ensure the United States continues to lead the way in addressing the patently unacceptable plight of the world's hungry.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 2 minutes to the gentleman from Oklahoma, another of our ranking members on the committee, Mr. LUCAS.

Mr. LUCAS. Madam Chairman, I thank the chairman and ranking member for this effort this evening.

I would have never thought that I would be standing on the floor of the United States House advocating ultimately a ''no'' vote on the farm bill. I would have never thought that. As a farmer from Oklahoma, as an individual with a degree in agricultural economics from Oklahoma State, I would have never thought that I would be advocating a ''no'' vote on a farm bill.

How did we get to this point? Let's remember, first and foremost, farm bills, while the goal is to help rural America, while the goal is to help make farming and ranching a thriving industry, the real goal is providing the food and fiber supply that feeds and clothes this Nation and the world. And since the 1930s, we have done an exceptional job with these farm bills, an exceptional job, and it has been a nonpartisan, nonpolitical process. We may disagree by region, we might disagree by commodity group, but it was always pulling together for the good of this country and the consumers that we serve around the world.

We have now come off of two extremely successful farm bills: the 1996 bill with its dramatic reform, flexibility in production decisions, certainty of payment; the 2002 farm bill, building on that with a safety net. Two very successful farm bills.

As a matter of fact, they were so successful that the amount of money set aside for the 2002 farm bill, we spent $60 billion less than was projected, and that was where we got into trouble, and that is what has got us to this point. Sixty billion dollars we saved, and we got not one penny's worth of credit for it.

So we began this farm bill process with $60 billion less than we had 5 years ago. That was a decision made by the senior leadership in the new majority. When you are $60 billion down and trying to move successful and popular programs forward, you have got problems. Chairman PETERSON worked diligently. The entire committee worked diligently. But, ultimately, when we were not given credit, we had to depend on a massive tax increase.

□ 2015

Mr. PETERSON of Minnesota. Madam Chair, I yield myself 15 seconds to respond.

I just want people to remember what happened with the '95–'96 farm bill, which was a partisan farm bill. So, we've been down this road before.

I recognize the distinguished subcommittee chairman, my good friend, Mr. HOLDEN from Pennsylvania, chairman of the Conservation Credit, Energy and Research Subcommittee and vice-chairman of the House Agriculture Committee, for 2 minutes.

Mr. HOLDEN. Thank you, Mr. Chairman, for yielding the time. And thank you for your leadership on this important piece of legislation that we have worked on in a very bipartisan manner. And thank you for the leeway that you have given the subcommittee chairman in bringing this product to the floor.

And it's not easy. We are a diverse country when it comes to our agriculture interests, and the diversity on the committee reflects that. But we all came together. We all gave up things that we wanted in the bill. The chairman has been talking for 2 years about permanent disaster relief. That's not in the bill because we couldn't afford everything. Everything that I wanted for the northeast is not in the bill. Everything the ranking member wanted for Virginia or my good friend, Mr. LUCAS, for Oklahoma is not in the bill. We all had to come together, and we have delivered a product that is fair.

In the subcommittee that I chair, under the conservation title, a $4.3 billion increase in conservation; that's above baseline, 35 percent increase. We went around the country hearing what farmers cared about the most about conservation; it was EQIP. What did we do with EQIP? We put 50 percent additional funding in EQIP.

In my neck of the woods and in the ranking member's neck of the woods in the mid-Atlantic, farmland preservation, by far. When we went to New York to have the hearing, the importance of farmland preservation. In this bill, we have a 100 percent increase in farmland preservation, as well as other water quality improvements. For those who care about the Chesapeake Bay, $150 million for river restoration. So we have a strong conservation title.

Credit. We made improvements for credit that we will be discussing shortly after general debates that will make credit more accessible in rural America.

Energy. Everybody in this Congress, not just committee, but everybody in this Congress has been talking about the need for us to become more energy independent. In this bill, we have $2.4 billion in the energy title; $2 billion in loan guarantees so we can help this infant industry of cellulosic ethanol and biodiesel and take advantage of our agricultural natural resources that are so abundant in this country so that we can now take a step towards being no longer dependent upon the smooth, continuous flow of oil from the Persian Gulf.

This is a good bill, and I ask everyone to support it.

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 1 minute to the distinguished Member from California (Mrs. BONO).

Mrs. BONO. Madam Chairman, I share the concerns of the gentleman from Oklahoma (Mr. LUCAS). But I also would like to speak today on a specific provision within H.R. 2419 that I'm happy to say will soon bring to resolution the implementation of what Congress has wanted for 6 years, country-of-origin labeling, the act of simply letting U.S. consumers know where the product they're picking up in the grocery store is from. Sounds simple, logical and straightforward; yet for too long Congress has been putting off the implementation of mandatory COOL.

In 2001, I introduced an amendment to the last farm bill to provide for COOL, and the amendment passed with strong bipartisan support. I have continued to push for mandatory labeling of fresh fruits and vegetables ever since 2001, and the debate has definitely evolved ever since.

Because of this, led by the efforts of Chairman PETERSON and Ranking Member GOODLATTE in having all viewpoints come together to discuss a solution, we now have a product that can be widely supported by consumers and farmers. In particular, the changes relating to produce will ensure that we have sound policy that isn't subject to the whim of misinterpreting congressional intent by the Department of Agriculture. From reasonable fines and penalties for not following the law to a provision that allows for the labeling of a State or region from which the product came to further spotlight our high-quality domestic production, the agreement on COOL is a strong one as depicted in the Manager's Amendment.

Madam Chairman, with recent concerns over importing products from foreign countries like China, the importance of country of origin labeling as a matter of public safety and the right of the consumer to make an informed choice has only become more urgent.

Again, I want to express my sincere appreciation to Chairman PETERSON for his interest and focus on addressing this issue, as he was able to bring parties together for a reasonable and bipartisan solution to mandatory COOL.

Mr. PETERSON of Minnesota. I am now pleased to recognize another subcommittee chairman, the chairman of the Specialty Crops Subcommittee and my good friend from North Carolina (Mr. MCINTYRE) for 2 minutes.

Mr. MCINTYRE. Thank you, Chairman PETERSON, for your leadership throughout the development of this farm bill and working diligently to craft a bill that protects our Nation's farmers, our environment, and our families of rural America.

The legislation under consideration by this House is critically important to rural America. I'm pleased that our subcommittee has worked on this to make sure that the value of agriculture is clearly understood.

The peanut industry contributes $800 million in value to our rural areas. The sugar industry creates some 372,000 direct and indirect jobs in 42 States, and our rural development programs fill a critical gap in providing infrastructure for our rural areas, ensuring that folks in rural America have adequate EMS units, fire trucks, libraries, and water and sewer systems.

Particularly with regard to rural development, this bill will further enhance these rural programs that will allow rural America to have better access to technology and better help for rural entrepreneurs. In fact, the new Rural Entrepreneur and Microenterprise Assistance program will reach some of our most important businesses, those companies employing 10 or less people, which now are the biggest drivers of economic development in rural America.

And the Rural Broadband Loan program and the Community Connect Grant program are two extremely important pieces that will help the citizens of rural America, making sure they have access to high-speed Internet that can often make the difference in the success of rural business and rural opportunities, and help our businesses, schools, health, and make sure that family life is better.

Just below this Chamber, downstairs on the first floor of this historic building, you can look up at the ceiling and see inscribed there the words of Daniel Webster who said that ''farmers are the founders of civilization.'' I hope that, indeed, all of us will remember this; that our very existence depends on the success of our farmers and on agriculture in making sure that rural America is respected and able to succeed as it will under this bill.

Madam Chairman, I urge all of our colleagues to support this bill so that, indeed, it will be the strong success we need throughout rural America.

Mr. GOODLATTE. Madam Chairman, at this time, it's my pleasure to yield 1 minute to the gentlewoman from Colorado (Mrs. MUSGRAVE), a very strong member of the committee.

Mrs. MUSGRAVE. Madam Chairman, I come tonight to this floor with a very similar attitude that most of us on this side of the aisle are feeling. We have worked together on this farm bill, worked in good faith with the chairman and the subcommittee chairman. And as the ranking member of the Subcommittee on Specialty Crops and Rural Development, I can say that the most important work in Congress that I have been doing is on this farm bill.

But in the markup committee process, Madam Chairman, I offered an amendment with a sense of Congress being that there would be no tax increases to pay for this farm bill. And the chairman of the committee, Madam Chairman, ruled it out of order, and his words were, ''No one here is talking about a tax increase.''

So, we've gone in good faith in developing this farm bill, but now all bets are off because we were not told the truth, and we find ourselves tonight in the very awkward position of having to oppose a farm bill that we helped craft because of the tax increase.

Mr. PETERSON of Minnesota. Madam Chairman, I am now pleased to recognize the chairman of our General Farm Commodities Subcommittee, the gentleman from North Carolina (Mr. ETHERIDGE), for 2 minutes.

Mr. ETHERIDGE. I thank the chairman for his hard work, and really on both sides of the aisle, for all the Members who put in long hours, who traveled across this country and listened to farmers and commodity groups speak.

Madam Chairman, I rise today in strong support of H.R. 2419. It's an important piece of legislation.

Madam Chairman, this has been a long process. In the early part of the year, our Subcommittee on General

Farm Commodities and Risk Management continued to hold hearings. We listened to groups. All the groups came, they talked, they made their recommendations.

The message we heard from farmers was that they like the basic framework that was created under the 2002 farm bill. Not only did we preserve that framework, but we made improvements so that the safety net worked more effectively.

And yes, as a result of the farm bill in 2002, we saved money, which meant that we had a greater challenge. We maintained the three-legged stool that supports farmers through direct payments, counter-cyclical payments, and marketing loan benefits. We adjusted loan rates and target prices to achieve a rebalancing between commodities that was long overdue.

We included several improvements to the cotton marketing loan program to make it more reflective of current market realities and values, as well as corrected problems in the program that we experienced since the elimination of the Step 2 program.

We also provided assistance to the textile industry to enhance their competitiveness and help keep those jobs here at home.

This could be called not only an Ag bill; it's a jobs bill, as well as a national defense bill, because we use it for food and fiber to feed our people.

I'm also proud that we're also providing farmers with the opportunity to experiment with revenue-based counter-cyclical programs. While most producers are satisfied with the current counter-cyclical program, some farmers are interested in the revenue-based approach.

Providing farmers with the option to choose between these two types of counter-cyclical programs allows them to make the best economic decision for their families. This revenue counter-cyclical program will also provide us with better insight into how the program works so we can determine if it is a better model for future farm bills.

H.R. 2419 contains Rural Development programs that will better facilitate the financing of essential rural infrastructures like public water and waste disposal systems. It establishes grant and loan programs for rural healthcare facilities. It will improve access to broadband telecommunications services in rural areas.

The Bill also expands funding for a host of conservation programs, including the Environmental Quality Incentives Program (EQIP). Maintaining the 60 percent share of EQIP funding for livestock is extremely important to North Carolina's poultry and pork producers.

As a representative from one of the most agriculturally diverse states in the Nation, and a member of the Horticulture and Organic Agriculture Subcommittee, I am particularly pleased that we are providing, for the first time ever, mandatory dollars for programs that benefit fruit and vegetable producers as well as the ever growing organic agriculture industry.

For our tobacco farmers who have been trying to get into specialty crop production since the buyout, these new programs will support the industry through projects in research, marketing, education, pest and disease management, production, and food safety.

We are strengthening the nutrition title through extra money for the Emergency Food Assistance Program; raising the minimum benefit for Food Stamps, which hasn't been done since 1977; and eliminating cap on dependent care, which opens up the program to more working families.

We are reforming crop insurance to provide better coverage for organic producers; expanding data mining to root out waste, fraud, and abuse; and providing an extra option for producers to obtain supplemental area-based crop insurance in addition to their current revenue or yield policies.

We have accomplished all this, and so much more. But we did it with a responsible budget. Operating under the Pay As You GO (PAYGO) requirements has posed difficult challenges for the Agriculture Committee, but I believe we have managed to preserve for farmers a sound safety net that provides extra protections, while staying within our budget.

In addition to my service on the Agriculture Committee, I serve on the House Budget Committee. Yesterday, we had a hearing with the Director of the Congressional Budget Office and the Comptroller General of the United States.

They testified about the budget calamity this Administration and the previous Republican Majority have left this country in. A calamity which made the job of passing a farm bill that much harder this year.

According to their testimony, were it not for the policies of this Administration and its Republican allies in Congress, the federal budget would be in balance today.

Yet the Republican priorities are so out of whack that today, one of the fastest growing segments of the federal budget is interest on the national debt.

And most of that debt is financed by foreign countries like China who may not always have America's best interests at heart.

It was a Democratic Congress that restored fiscal discipline to the federal budget through PAYGO rules, and this Farm Bill responsibly adheres to those rules.

I thank the Chairman for his hard work on moving this bill to this point, and I urge my colleagues to support farm families, support feeding children, support moving to renewable fuels, and vote for H.R. 2419.

Mr. GOODLATTE. Madam Chairman, at this time I am pleased to yield 2 minutes to the gentleman from Texas, another of the subcommittee ranking members on the Agriculture Committee, Mr. NEUGEBAUER.

Mr. NEUGEBAUER. Madam Chairman, I woke up on Monday this week very excited about the opportunity to bring this farm bill to this floor, but as you can imagine, my disappointment tonight because of the culmination of 2 years worth of hearings all across America, subcommittee hearings, 31 hours of markup in full committee working on a bill that is going to be good for America, good for American agriculture, working in a bipartisan way to make sure that all of agriculture has a bright future for this country, making sure that America will have a good source of food and fiber for the years to come and that it will not become dependent on importing food as we have become in importing energy in this country.

And you can imagine my disappointment because we've worked in a very bipartisan way with the chairman, working on the safety net for American producers when the commodity prices were low and then working on a safety net when we have drought conditions, weather conditions, to provide an additional safety net for them.

But unfortunately, we were duped, I guess is the best way I can say it. As we were working along with the leadership, they kept saying we are going to find some additional offsets so that they can expand these nutrition programs while at the same time asking American producers to take cuts in payments, but with the understanding that we weren't going to have any new taxes. Unfortunately, Madam Chairman, that isn't the way this farm bill was written up.

Today, without any debate, without any discussion, the American people's farm bill was put in jeopardy. It now faces a Presidential veto. It now faces opposition from Members of this body that would have voted for this farm bill, but now they are not going to vote for this farm bill because it raises taxes.

And what we've known and what we've tried to say to the American people over the last few months is we knew this was coming because this new leadership has started off on the old way they used to do business under the promise of doing business in a new way, by taxing and spending, taxing and spending. And it's unfortunate that we would bring that kind of politics to the American farm policy.

Mr. PETERSON of Minnesota. Madam Chair, may I inquire as to how much time is remaining on both sides?

The CHAIRMAN. The gentleman from Minnesota has 5½ minutes; the gentleman from Virginia has 17½ minutes.

Mr. GOODLATTE. Madam Chairman, at this time, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank the ranking member for yielding time.

Madam Chairman, we started off in a very bipartisan way to put this together. We worked in good faith. We worked long hours to come up with a really good farm bill. And when it was all done, we all felt very good about it. We had a great night. We patted ourselves on the back, very pleased with the commodities program, pleased with conservation. It was a good bill.

And where are we today? We've had this tax provision put in at a late hour. We have a tax provision that was not properly vetted by the Ways and Means Committee. It was placed in this by the Democratic leadership, using the Rules Committee to legislate. And this has threatened a very good farm bill.

There are problems with this. First of all, I don't think we really know

what the real impact is going to be with this tax provision on the cost of feed, fertilizer and pesticides. Many of the companies that are going to be taxed with this new tax will be forced to raise prices on this. And our farmers are already suffering from the high cost of inputs, particularly in my State of Louisiana, which is suffering from the aftermath of two hurricanes.

Furthermore, this bill has Davis-Bacon provisions in this which are going to hurt a nascent industry, the nascent cellulosic ethanol industry. I spoke to the CEO of a company today, and this is going to raise the cost of building these new facilities by 10 to 20 percent. This is an industry that we want to see grow. We don't want to tax it.

Finally, the bill places unfunded mandates on the States. I tried in committee with an amendment and tried to get this to a full floor debate to help our States continue to modernize the Food Stamp program, to have the flexibility to do the right thing. This bill, the underlying bill, has provisions in it that take away the flexibility that our States currently have. It puts the State of Indiana in real jeopardy, at risk of losing $100 million.

This bill is less and less about farmers and it's more and more about pure raw politics.

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Mr. GOODLATTE. Madam Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. CONAWAY), a member of the Agriculture Committee.

Mr. CONAWAY. Madam Chairman, this bill left our committee on a bipartisan basis and with my enthusiastic support. I agree with many of the laudatory comments made by my colleagues across the aisle. You will hear that there is a broad group of associations, commodity groups, and, most importantly, producers that support the bill that left our committee.

Now you need to know the rest of the story. My colleagues and I were repeatedly told that the necessary offsets would not come from tax increases. We have just heard Chairman RANGEL confirm that his taxing committee provided taxes for the offset. I was misled, I hope unintentionally, but nonetheless misled. Over the last 48 hours, poison pills have been added that the cynical among us would conclude were intentional; short-sighted, but intentional.

Each of us must weigh the good and bad in all the legislation that we consider. Great judgment is required. Last week at this time, almost at this exact time, I fully expected to be here tonight perhaps fighting off bipartisan opposition to this bill, but nonetheless supporting this bill, not participating in a raw, partisan fight that was totally unnecessary.

This bill is proproducer and prohungry around the world, but it is antibusiness and antimanufacturing jobs. It is an affront to States rights and unnecessarily panders to unions.

Sadly, we have gone from a bill that should have passed with broad bipartisan support to one that will not enjoy that support.

Madam Chairman, I urge my colleagues to oppose it.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to the chairman of the Livestock, Dairy and Poultry Subcommittee, my friend, the distinguished gentleman from Iowa (Mr. BOSWELL).

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

Mr. BOSWELL. Madam Chairman, I thank the chairman for his hard work.

Madam Chairman, how many times do we have to hear over and over and over from the borrow-and-spend community across the aisle here? I hope that they would remember there are positive things that happened.

We brought the livestock community together. They are moving forward. It is good for America. We brought the dairy community together. For perhaps the first time, there is no dairy war going on because they sat down in a compromise. We can't thank them enough. You might remember that. Also, we addressed the issue of mandatory country of origin labeling. We worked out a compromise. We are going to go forward and meet the consumers' wishes on that.

As chairman of the Livestock, Dairy and Poultry Subcommittee, I cannot say how pleased I am for those compromises and the overall steps this legislation takes. Is there still room for improvement? Sure, there is. But the Agriculture Committee came together and wrote a farm bill for 50 States that would not only benefit farmers, ranchers and rural America, but benefits everyone.

As everyone walks away today at the time when we finish this bill, I would like them to remember one thing: Every man, woman and child has a vested interest in agriculture. By ensuring that our producers have an adequate safety net, we in turn ensure we have the safest, most plentiful and affordable food in the world.

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to a distinguished member of the Agriculture Committee, the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Chairman, I am a proud member of the Agriculture Committee. My grandfather was a county agent. My mother was an extension service agent. One out of three Nebraskans make their living in the field of agriculture.

Of all the rancor and divisiveness in this House, the Agriculture Committee has been one place where cooperation and comity is the tradition. I was proud to be a part of crafting this farm bill. The farm bill passed out of committee by a voice vote. No one objected.

It is not perfect. It is a huge piece of legislation with many moving parts. But I felt that it did make progress in promoting agriculture entrepreneurship, agriculture-based energy production and a renewal of conservation in land stewardship goals.

But the end of this process has been seriously disappointing. The spirit of the Agriculture Committee's work has been violated. I want a vibrant agriculture system that feeds our country, helps feed the world and in turn preserves a way of life, a tradition that marks the character of our great country.

Madam Chairman, I urge the majority party to get this process back on track.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. BACA), another of our great subcommittee chairmen, the chairman of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry.

Mr. BACA. Madam Chairman, I rise in strong support for this farm bill. Let me say that clearly this bill does not increase taxes. As chair of the Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, I want to say that I am especially proud of this farm bill, what it does for the nutrition of minorities, seniors, disabled, single parents and for our veterans.

Right now there are 38 million Americans who do not have enough to eat. Eleven percent of the population are going hungry. Today in the Latino community and the African American community, that rate is double.

This farm bill fights hunger in America by making an historic investment in nutrition. Our nutrition title will benefit over 13 million American families.

Currently the average food stamp recipient receives only $21 a week. That is unacceptable. This farm bill will make food stamps keep up with the cost of living. Gas, health care, housing and grocery bills have gone up, but food stamps haven't kept up. We are going to change that.

This is going to help working families, our disabled, our senior citizens, our veterans and our single parents. Most importantly, it is going to help our children. Fifty percent of food stamp recipients are kids. That is what this farm bill is about: feeding our children; leaving no child behind. This farm bill will ensure that children will have access to fresh fruits and vegetables in all schools by expanding the USDA snack program to all 50 States.

This farm bill ensures that senior citizens and disabled adults have enough to eat by continuing the Commodity Foods Supplemental Program and expanding access to farmers' markets.

What it will also do is help military families. For the first time, this bill exempts military combat pay from being counted against the income of men and women who are fighting for us.

Madam Chairman, I urge my colleagues to vote for this bill. It is an excellent bill that meets needs across America and helps all of us.

We're also going to make it easier for them to handle their paperwork processing by allowing telephone signatures.

And what about our military families? This is the first Farm Bill to exempt Special Military Combat pay from being counted against our military families who are trying to make ends meet while their loved ones are serving in places like Iraq or Afghanistan.

We have fought to ensure that Food Stamps cannot be privatized—and we have taken an extra step in this Farm Bill to remove the stigma in the Food Stamp program.

We are going to eliminate embarrassing coupons, transition everyone to EBT cards and change the name of the program to the Secure Supplemental Nutrition Access Program, or SSNAP.

Now our working families will be able to go to the store, swipe their SSNAP cards and bring food home to their children with dignity.

We also help support our food banks and soup kitchens by giving large increases to The Emergency Food Assistance Program.

The ''TEE–FAP'' not only serves our homeless, but provides life-saving assistance to our families after natural disasters, like Hurricane Katrina.

Simply put, this Farm Bill strengthens our Nutrition safety net like no other firm bill has ever done before!

This farm bill is also historic in its commitment to diversity in Agriculture.

This bill increases agriculture opportunities for underserved communities such as African Americans, Hispanics, Native Americans, and Asian-Pacific Islanders.

We give $150 million dollars in mandatory funding for outreach to small and socially disadvantaged farmers.

This bill also requires an annual report to Congress to see if our outreach to minority farmers is working.

The Farm Bill also creates an Advisory Board to deal with civil rights violations.

We require that 10 percent of conservation funding go to our small and disadvantaged farmers and ranchers.

The Farm Bill also creates new programs and increases funding for minority serving institutions and tribal colleges.

In addition—we have preserved the Davis-Bacon provision to ensure workers in rural America earn a decent wage.

We have worked hard to create a Reform Farm Bill that includes all of us—farmers, working families, minorities, urban communities, rural America.

This bill is a good bill that will ensure that all Americans get a fair shot.

It makes a historic investment in nutrition and increases opportunities for traditionally underserved communities. I urge my colleagues to support this vital legislation.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. MCCARTHY), a new member of the committee who has distinguished himself.

Mr. MCCARTHY of California. I thank the ranking member.

Madam Chairman, I rise today in disappointment. Disappointment, because only 6 months ago I sat in this chair to be sworn into this body, and I listened to our Speaker sit up at that podium and say this body was going to talk about partnership, not partisanship.

When I went onto the Agriculture Committee, I thought I found that partnership. For 6 months, we worked in a bipartisan manner, and I will tell you, I was proud of the fact to work with my colleagues, my colleagues like JIM COSTA and DENNIS CARDOZA. We worked together in a bipartisan fashion on bills such as this farm bill. We even looked to the 21st century and putting in specialty crops. We have done tremendous items when it comes to this farm bill.

But I will tell you that that was all taken away this week. That all changed when we now decide to raise taxes, $4 billion. Instead of looking for the future, instead of thinking of our children, who are going to compete for the first time since the 1860s, to have economies that are going to compete in America, to be as large as or even larger when you talk about China and India, now we are going to take away jobs. That is not partnership. That is partisanship.

And it is not like we bring up a farm bill every year, or we even bring it up every 2 years. We only talk about a farm bill twice every decade. We are missing an opportunity. We are missing a very big opportunity.

That disappointment, when I think back 6 months ago when I listened to our Speaker say that, I listened earlier tonight to our debate when we had our chairman from the Ways and Means Committee down here talking about why he wanted to raise taxes. And I listened earlier this week when we had appropriation bills, and you wonder where does the money go? We build monuments to ourselves, because people think they have served in this body long enough that they should spend $2 million building their own libraries. That is not what the American people are asking for. That is not what the American people are looking for.

I guess I when I think back 6 months ago, the Speaker should have looked at a quote from Dwight Eisenhower, when Dwight Eisenhower said, ''You don't lead by hitting people over the head. That is assault, not leadership.''

Let's send this bill back and have real leadership, and go back to the bipartisanship that the Agriculture Committee has experienced for the last decades, because there is only two chances we have for it for the next decade.

Madam Chairman, I ask for a ''no'' vote.

Mr. PETERSON of Minnesota. Madam Chairman, I yield for purposes of a unanimous consent request to the gentleman from California (Mr. CARDOZA), the subcommittee chairman of the Subcommittee of Horticulture and Organic Agriculture, one of our outstanding Members, who has done a great job.

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

Mr. CARDOZA. Madam Chairman, I rise in support of the bill.

Mr. Chairman, I'm proud to stand with you, on the House floor, at this historic moment in the development of U.S. farm and food policy.

For the first time in the history of the farm bill, this year our farm policies will put fruit and vegetable growers on an equal playing field with commodity farmers. Fruits and vegetables are a growing and important component of American agricultural output.

In 2006, U.S. production of specialty crops—fruits, vegetables, tree nuts, dried fruits and nursery crops—accounted for $53 billion, or 44 percent of total U.S. crop receipts.

The fruit and vegetable industry benefits from marketing, research, and educational programs, rather than traditional crop subsidies, to manage the challenges of increased global trade and foreign competition. These challenges include increasing domestic consumption, reviving export growth, aggressively managing food safety, and mitigating pest and disease problems.

The 2007 Farm Bill addresses these challenges by providing $365 million in new mandatory funding for the specialty crop block grant program. Block grants are vital for ensuring that solutions to these myriad challenges are flexible and locally driven.

This bill also responds to the pest and disease management needs of the specialty crop industry by establishing a comprehensive early pest detection and surveillance program. The bill provides $200 million in mandatory funding for this new program to work in cooperation with State departments of Agriculture.

The needs of America's nurseries are addressed by directing USDA to collaborate with nursery industry organizations as it develops, tests, and disseminates new systems of nursery pest and disease management.

It also establishes within USDA a program for a National clean plant network. This network will provide a sustainable source of pest and disease free horticulture stocks.

ORGANIC AGRICULTURE

This bill responds to the preferences of consumers across the United States by making an unprecedented investment in organic agriculture. Organic foods are the fastest growing sector of U.S. retail food sales—growing at approximately 20 percent annually over the past decade.

In 2006 organic retail sales reached almost 3 percent of the entire United States food and beverage market. The 2007 Farm Bill recognizes growth in the organic food sector by expanding the assistance available to producers converting from conventional agriculture to organic production.

To help with the transition the 2007 Farm bill provides $22 million in mandatory funding for the National Organic Certification Cost Share program.

Organic farmers need reliable market information to assist them in production and marketing decisions.

This bill does that by providing $3 million in mandatory funding for data collection on price, production volume, and other organic market characteristics. Most data currently collected by USDA is of little relevance to organic producers because it is collected without regard to the method of growing.

The historic recognition of the horticulture and organic industries in the 2007 Farm Bill is an important accomplishment and sets American farm policy in a new direction for the 21st Century.

Mr. PETERSON of Minnesota. Madam Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT), one of our great committee members and a great friend of mine.

Mr. SCOTT of Georgia. Madam Chairman, we are at an extraordinarily important moment. The people of America are watching us all across this country.

The U.S. agricultural community and industry employs over 20 percent of our entire workforce and accounts for $3.5 trillion every year in our economy. And it is just somewhat baffling to me as we look, and we have worked together in the committee to get many competing forces together, that the gentleman and gentlewomen on the other side of the aisle would turn their backs on the American people and all the work that we did together and in bringing these competing forces together, whether it was black farmers or our Traditionally Black Colleges, or food stamp recipients, all with compelling needs, country of origin labeling, on a whimsical excuse, because we had to balance and score this at a time so that we would have pay-as-you-go so we wouldn't put it on the backs of our children and grandchildren to pay for this farm bill; went to Ways and Means and asked them to find a way to get us $4 billion, and they went and got a way that was first presented by President Bush.

President Bush said, let us close this loophole on foreign companies that are using what is known as earning strippings to stop paying taxes like every other American business. When President Bush said this just 6 months ago, there was no hue and cry about a tax increase.

There is no tax increase on this. This is a good bill. Let's pass it.

Mr. GOODLATTE. Madam Chairman, I yield myself 20 seconds to say to the gentleman from Georgia that no one on this side of the aisle is turning their back on anybody. We are simply recognizing that increasing taxes in order to pay for what is in this farm bill is the wrong thing to do. To set businesses who have invested in this country and the American workers whose jobs depend on them against that is very, very wrong, and I would suggest to the gentleman that everyone I have talked to has called this a tax increase.

Madam Chairman, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), a distinguished member of the committee.

Mr. WALBERG. Madam Chairman, after months of bipartisan work in the House Agriculture Committee on a farm bill that meets the needs of American farmers without raising taxes, House leadership is inserting a 600 percent tax increase on U.S. subsidiary manufacturers in the 2007 farm bill. Democrats want to slap manufacturers, who employ 5.1 million American workers and pay $325 billion in wages, with a massive tax hike.

As representative of a State and a district where the agricultural and manufacturing industries account for a larger share of employment on average than in the rest of the Nation, this is a double slap in the face.

Many are not aware that Michigan, the auto capital of the world, is second in the Nation in agricultural diversity. Not only do I feel like the months I spent canvassing my district meeting with farmers and members of the agricultural community were for naught, I am also deeply worried about the impact of this proposed tax hike on south central Michigan.

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In the Wolverine State, U.S. subsidiaries play a vital role in supporting jobs and employing 201,000 Michiganers.

I just inquire of the other side: Why are we moving away from policies that encourage job development and investment? And what is a tax increase on manufacturers even doing in the farm bill?

The Ag Committee put aside partisan differences and worked together on a bill that meets the needs of American farmers without raising taxes. The House should be voting on that bill, crafted in a bipartisan manner, that meets those needs without foisting this on the public.

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

Mr. GOODLATTE. Madam Chairman, I yield 1 minute to the gentlewoman from Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. Madam Chairman, I thank Mr. GOODLATTE for all of his time and hard work on this legislation, as well as the members of the committee who traveled to Washington State for a farm bill listening session last year.

I rise today to highlight the need for a strong farm policy that will ensure the success of farmers in eastern Washington and across the Nation. Agriculture is the number one employer in Washington State, and in eastern Washington, a $1.1 billion industry.

I support a farm bill that makes a strong commitment to specialty crops by investing in nutrition, research, pest management, and trade promotion programs.

Whitman County is the leading producer of wheat and barley in the United States. The 2002 farm bill changed how marketing loan rates were calculated for wheat, and as a result, our wheat growers have been left out of the intended safety net. Although I believe to ensure fairness we should calculate counter-cyclical payments by class of wheat, I am encouraged that growers will have the option to choose a revenue-based payment.

I am disappointed dried peas and lentils were not placed on equal ground, but we can work on that later. I am committed to working for policies that will help our farmers and ranchers compete. However, I am disappointed that this bill will raise taxes on companies.

Mr. GOODLATTE. I yield 2 minutes to the gentleman from Iowa (Mr. KING), a member of the committee whose work we appreciate.

Mr. KING of Iowa. Madam Chairman, I thank the ranking member for yielding me this time.

I said earlier there were five reasons to vote against this bill. I just sat down and wrote a list. Now there are seven. Some of them have been added to it since it passed the committee. We are facing a tax increase, a huge tax increase. That is something that a lot of us can't cross.

The abrogation of treaties. When you think about the implications not just of companies doing business in the United States but the reaction when the retribution comes from foreign countries when they start to change their trade agreements and treaties with us. That is going to mean it is going to be nearly impossible for us to negotiate bilateral trade agreements, WTO trade agreements; and that draws a bright line against trade.

There is Davis-Bacon wage scale in this bill. I will make the prediction that the 5th Congressional District of Iowa will remain the number one renewable fuels congressional district in America. Last year we put over a billion dollars of private capital into that, and we did so without the Davis-Bacon wage scale. We did it with merit shop wages. We built good plants, state of the art, and developed the technology. We are number one in biodiesel in my district. We will be number one in ethanol by the end of this season. We will stay there because they are not going to use this component because they will not be able to afford it. It is a 20 percent increase in cost. Where you could build five plants before, now you can only build four. We have a 46 percent increase in Food Stamps under the argument of food insecurity, but yet no one was going without food. They just thought some future meal they might have to worry about. So 46 percent increase in food stamps.

The Pickford v. Glickman that was mentioned by the gentleman from Georgia, there were black farmers that were discriminated against. And some were. But a billion dollars was paid out to some of them. And $100 million was spent in administration of Pickford, and I looked into that. What we have are 18,000 black farmers in America, 96,000 claimants and a future liability to this bill of $3 billion in the Pickford piece. I know it is not all authorized, I know we have not found all of the money, but you open the door to that.

I will vote ''no'' on this bill.

Mr. GOODLATTE. Madam Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON), the distinguished ranking member on the House appropriations agriculture subcommittee.

Mr. KINGSTON. I want to commend the members of the Ag Committee on a

bill that is well put together in some parts. As the chairman knows, he has been very generous with his time, talking to me about the cotton section, the peanut section, and fruits and vegetables. I think there was a lot of good bipartisan support. I commend the committee for that.

Unfortunately, so much of this bill is not direct agriculture. So much of this bill, 60 to 70 percent, and this is true with all farm bills, it is the entitlement section, the school nutrition programs, there are a number of problems I have with that.

Number one, this tax increase is to support an increase in the entitlement section. It doesn't go directly to farmers or help the dirt farmer. It is not intended for that.

I have problems with the tax increase, and I do think it should have been gone through the Ways and Means Committee where it could have been thoroughly vetted and people could have decided what does this mean, because the truth of the matter is there are question marks on both sides.

The second thing, in agriculture appropriations we have had lots of hearings on the Indiana privatization of food stamps. I think it is a great program. I think reducing the government bureaucracy so that you can get more money to the people who need the food stamps, I think that is a good fundamental idea. I think it is one that President Clinton would have appreciated. It is searching for the third way. Not always a Democrat or Republican solution is adequate; you have to come up with something else. This is a hybrid program. This is a privatization program, and I know that is a bad thing for many on the fringe left, but I think most of us in the ag community will agree that it is a good thing. And yet this bill stops that.

The third thing is the special-interest payoff to the unions. Can you imagine, here we are at an energy crisis time. It is $3.05 if you shop all over town to find the bargain, and we are going to increase the cost of producing ethanol. We are going to say if you build an ethanol plant, you have to use the highly inflated union prevailing wages. It is a special payoff to the unions. We should not increase the price of producing energy during a fuel crunch. It is that simple. This bill does that.

Finally, one of the things that we all do, Republicans and Democrats, we want to balance the budget. We want to cut out the waste, as long as it is done in a different district than ours.

Now, the farm service agencies, there are too many of them. There are 58 that don't even have staff. This bill prevents them from being closed. We need to close some of the farm service agencies. Because of technological changes, we can do that without hurting the farmers, and yet this bill will prevent that from happening. One thing we are all hypocrites on is, hey, let's balance the budget; but, oh, not here where we have an opportunity to balance the budget. I think that is something that is ill conceived. I know there is bipartisan resistance on that, and it is very difficult for all of us.

I have four farm service agencies in my district that are being closed; and I tell you, it is tough. I hate to see any of them closed, but I realize in the big picture if you want to save money for the farmers for other programs, sometimes you have to make these decisions.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time.

I would just say, Madam Chairman, that we reach this point in a process that has been going on for about 2 years. It spanned both my chairmanship and the current chairman's chairmanship. It has encompassed a great deal of effort to write a bipartisan farm bill. We have listened to hundreds of farmers. We have received input from thousands of farmers and ranchers and others interested in this legislation.

We address the reform that has been requested in a farm bill. We have addressed the concerns about more funding for fruits and vegetables for nutrition and conservation and renewable fuels. And then to have this tax increase injected into this process after the bill has left the committee is why you have heard every single Member on this side of the aisle speak about how they feel betrayed by this process. It is unfortunate for us, but it is also unfortunate for this farm bill because what happens when it leaves the House, if it passes at all, will be very different than if it passed leaving this House with a veto-proof majority. That opportunity has been lost.

I would say to those on the other side of the aisle we can fix that if we would simply slow down and take a look at the appropriate way to pay for the additional funding that is due this committee because we took a $60 billion cut in the budget. The way to do that is to vote for the motion to recommit that we will offer later on that will say you can have this farm bill that we have all praised and send it back to the committee to look for an appropriate way to do this without pitting American agriculture against American industry by having a tax increase imposed to pay for the things that are in this bill.

That's the appropriate way to proceed here. That would restore the bipartisanship that is needed in this process, and that would restore a good future for this farm bill, which is very much endangered because of the injection of this partisan tax increase that has been laid at our doorstep, the most bipartisan committee in the House of Representatives that has worked so hard and so long. And to be faced with this at the end is wrong. I do not support this legislation.

Mr. PETERSON of Minnesota. Madam Chairman, I yield myself the balance of my time.

I would say to the gentleman from Virginia (Mr. GOODLATTE) we have enjoyed working with you and your Members, but I don't agree with you. I don't believe there is a tax increase in this bill. I have looked at it. I am a CPA, and I think you can say it either way, but I don't believe it is a tax increase.

The $60 billion did come out of baseline not because anybody cut it, but because the program worked the way it is supposed to. Prices are up and spending went down. We are missing the money, but it wasn't because anybody cut it.

We have a good bill, and I encourage all Members to support it.

Mr. BISHOP of Georgia. Madam Chairman, I rise today in strong support of the Farm, Nutrition, and Bioenergy Act of 2007. I'd also like to thank the members of the Agriculture Committee for their commitment to this effort which has yielded a farm bill that is a victory for all Americans.

This bipartisan agreement provides a strong safety net for not only our Nation's family farmers and small and disadvantaged farmers, but also for millions of American citizens who live below the poverty line and are dependents on Federal nutrition assistance.

Committee members worked diligently, day and night for weeks, to ensure that funding levels and payment limitations were fair, equitable, and available to farmers. It ensures a flexible, affordable and top-quality food supply for consumers while strengthening America's food safety and security.

The farm bill provides a 5-year reauthorization of the farm, rural development, conservation, and nutrition programs administered by the U.S. Department of Agriculture, USDA. The 2007 farm bill is fiscally responsible, fully compliant with the PAYGO rules, while still providing a strong safety net for America's farmers and ranchers. It makes vital investments in nutrition, conservation, and renewable energy. This bill will help producers of all commodities stay on the land that they hold and love, so that they can continue with their livelihood, while also conserving natural resources for future generations.

The bill before us today also addresses many of the needs of those in southwest and middle Georgia, Georgia's 2nd Congressional District, which I represent, in terms of protecting our Nation's farmers, conserving our natural resources, and feeding the hungry.

In addition, the bill will provide better balances in support programs between all types of crops. The bill's reforms further encourage farmers to plant for the market, and not for the benefit of government programs. It also provides a sharp increase in funding for fruit and vegetable and other specialty crops, mandates implementation of country of origin labeling, and increases assistance to small and disadvantaged farmers significantly, including important new language with respect to the Pigford case. In addition, the bill increases funding for school lunch and other nutritional programs, and provides for new and extended conservation, research, trade promotion, and rural development programs.

This bill makes much needed strides in reforming the nutrition title to better help Americans adequately cover food costs and sustain themselves for the entire month. It increases the minimum benefit for food stamp recipients, which is especially important for senior citizens in need. It also helps feed our military families by excluding special combat pay as

income when qualifying for food assistance programs.

Finally, I am particularly pleased that the bill proposes and improves the quality of life of the people living in our rural communities by renewing successful programs that provide critical healthcare, emergency and communications needs to underserved areas. It creates a new grant program to assist rural health facilities, improves access to broadband telecommunications services in rural areas with a greater focus on the rural communities of greatest need, and supports critical infrastructure programs for rural cities and town.

Today, I urge my colleagues on both sides of the aisle to ''Protect our Farmers.'' They protect us by satisfying our most basic needs—food, fiber, and fuel. Let us pass this Farm bill today for our farmers across this great Nation who desperately need this support, so that they are able to continue producing a safe and reliable food source.

I urge my colleagues to join me in voting for this bill.

Mr. SHULER. Madam Chairman, this bill includes important reforms that will help conservation efforts by private forest landowners. Today I offer an amendment to help out a little more.

Over 260 million acres of forest lands are in the hands of families and individuals. At least 75 million acres of forests are part of farms. Forests provide habitats for wildlife, a source for clean water, and places to hunt, fish, hike and enjoy other recreational activities.

But many of our privately owned forest lands are threatened by insects or diseases, and these threats are real. Most of the insects or diseases are non-native and invasive, making them difficult to contain.

In my district, private landowners expect to lose all of their hemlocks from the attack of the hemlock wooly adelgid. This loss would permanently alter the diversity and unique forest environment in our region.

Madam Chairman, this bill provides emergency restoration funding for private forest lands that experience a loss or damage from natural disaster. My amendment would take this one step further and allow the emergency restoration funds to be used for treating private forest lands under imminent threat of attack by insect and disease.

In the case of insect or disease, we must stop their invasion before they create the disaster. Preventing the losses will save money and save our forests. Prevention is less expensive than restoration.

Madam Chairman, I thank the members of the committee for their work on this bill to support healthy forests, and I urge my colleagues to support the Shuler amendment.

Mr. HARE. Madam Chairman, on behalf of Illinois agriculture, I rise in strong support of the Farm, Nutrition, and Bioenergy Act.

This bill maintains a viable safety net for our farmers. Since my congressional district receives the second most crop payments of all the freshmen in Congress, a strong subsidy program is critical for farmers in the 17th Illinois Congressional District.

Additionally, the bill encourages biofuel research and production, which are vitally important to my congressional district and the energy security of our Nation.

The 2007 Farm bill also supports rural America through programs that provide healthcare, emergency communications, and broadband telecommunications services to rural areas.

Before the bill passed out of committee, I joined with many of my colleagues to ensure it funded nutrition programs so that Americans continue to have access to a high quality and inexpensive food supply.

In response, the bill increases the minimum benefit for the Food Stamp Program for the first time in more than 30 years.

For the safety and security of our food and the future of U.S. agriculture, I urge all my colleagues to support the passage of H.R. 2419.

Mr. HOLT. Madam Chairman, our Nation's food inspection system is a critical safeguard in guaranteeing the health and welfare of all Americans. However, the federal protections that have existed for over 40 years are now threatened by a provision in the Farm bill that would allow meat and poultry inspected by state inspectors to be sold across state lines.

The Nation's food inspection system has served our Nation well by providing clear guidelines and a network of dedicated professional Federal inspectors. Its roots go back to the early 1900s, where a Federal inspection system became one of the landmark legislative accomplishments of President Theodore Roosevelt. While occasional problems have developed, on the whole, our national meat and poultry inspection system has been an unqualified success, with minimal incidents of food borne illnesses due to poor practices, handling or hygiene.

So why would we change a system that is so successful? It is my understanding that this change is being proposed to encourage the growth of small meat processing facilities as well as create new markets for state-inspected meat. While more competition and building new markets are laudable goals, they need not come at the expense of food safety or result in the dismantlement of the federal inspection system. No one has made a compelling case that the federal inspection system has truly hindered competition or market development. Thousands of small plants do well under the current inspection reglme.

However, in making this change, we are opening the door to problems that could multiply the exposure of consumers to food borne illnesses and food poisoning. The record of plants subject to state inspection is troubling. The USDA IG has repeatedly found that state inspection regimes often do not meet basic requirements for sanitation or cleanliness.

Despite this, language was added to the Farm bill to roll back these protections. A letter to Congress from a coalition of groups promoting food safety pointed out that the provision would:

> Eliminate the 40 year old protection in the federal meat and poultry inspection acts that prohibit shipping state inspected meat across state lines.
>
> Make 80% of all federally inspected plants eligible to leave federal inspection in favor of state programs which supporters of the bill insist are more understanding of company problems.
>
> Not allow states to impose additional or higher food safety standards.
>
> Ignore the inability of states to implement recalls of adulterated meat and poultry that have crossed state lines.

The potential for the spread of food-borne illnesses across the country will only increase if we are to allow this provision to remain in the legislation. I plan to work with my colleagues to ensure that this troubling provision be dropped when the conference to the Farm bill is convened. Americans deserve the piece of mind that comes with the knowledge that the next meal they consume will not make them sick nor cause them harm.

Mr. BLUMENAUER. Madam Chairman, I'd like to thank Representative ALCEE HASTINGS for bringing together, in his amendment, two important pieces of legislation for research funding and protection of habitat for pollinators—the bees, birds, bats and other animals and insects that help sustain more than two-thirds of the world's crop species. Pollinators are responsible for one out of every three mouthfuls of food eaten.

Despite the critical role that pollinators play for our food supply and ecosystem health, we are seeing disruptions of localized pollination systems and declines of certain species of pollinators on every continent except Antarctica. Populations of a variety of pollinator species have been declining in recent years due to loss of habitat, improper use of pesticides and herbicides, replacement of native plant species with non-native or engineered plants, and the introduction of non-native, invasive species, either by accident or through farming practices.

I'm pleased to see that this amendment places a greater emphasis in existing USDA conservation programs on habitat and other pollinator-beneficial best management practices to protect and enhance native and managed pollinators, which was the key component of H.R. 2913, which I introduced this Congress.

In addition, the amendment provides research funding to address Colony Collapse Disorder in honey bees places, an issue championed by my friend Mr. HASTINGS and his bill, H.R. 1709.

This amendment will help keep pollinator populations healthy and improve the viability of our food supply and our environment. I urge its adoption.

Mr. BARTON of Texas. Madam Chairman, this is an unfortunate day. Today, here on the floor of the House of Representatives, we are witnessing a blatant disregard for sound policy, fiscal restraint, and due process by the Majority Leadership. The Farm Bill that we are debating today is not the bill that was reported out of the Committee on Agriculture. It is a product of a late night raid by Leadership on the rules process to insert yet another tax increase.

Farm programs have always had their champions and their detractors, but in the 22 years that I have served in this body, it has never been a partisan issue. I have voted in favor of almost every Farm Bill that has come before me, but I cannot vote for this one. I have consistently supported the hard working farmers and ranchers in my district, and I will continue to do so. But I cannot support this tax increase that has been added without debate, and without relevant committee input.

Over the past year, I have had the chance to visit with producers from across my district. Practically every single one of them has told me that the Farm Bill we passed in 2002 has proven to be a sound safety net for their various enterprises. The bill that was reported out of the Agriculture Committee continued those proven principals. Unfortunately, this is not that bill.

As ranking Member of the Energy and Commerce Committee, I am also concerned that

this bill, which has an entire title (Title 9) devoted to energy, was never seen by our committee. Beyond that, it seems that the left hand of our Majority in this body does not know what its right hand is doing. As the year began, I was a little surprised that the Majority seemed disinclined to work with me or other Members of the Minority in preparing energy legislation. But now I realize that they do not even consult with each other.

Take a look at the energy provisions of the Farm Bill. They overlap and duplicate provisions in the legislation reported a few weeks ago by the Committee on Energy & Commerce.

The Farm Bill has incentives for increased ethanol production; grants for consumer education on ethanol; a biomass fuel production section, etc.

Meanwhile, the Energy & Commerce Committee has provisions to do these and similar things in its bill. Energy & Commerce has grants for cellulosic ethanol production, consumer education for flexible fuel vehicles, a study of ethanol blended gasoline, and others.

If the Majority would like, I'll be happy to offer my services to help them sort out and reconcile these provisions among the two bills.

Of course, if the Agriculture Committee's bill had been referred to the Energy and Commerce Committee as it should have been, we could have accomplished that reconciliation before the Farm Bill ever got to the floor, avoiding this confusion, conflict, and redundancy. That is why we have rules in this body on jurisdiction and that's why we should go back to following those rules.

Mr. SKELTON. Madam Chairman, from the time I was young, I was taught that a farmer's livelihood depends on two things: the weather and the markets. While the government can't control the weather, federal Farm Bills provide an invaluable safety net, bringing a level of stability to commodity markets that helps farmers stay in business, make plans for the future, and continue to feed America and the world.

The 2007 Farm Bill would ensure farmers have economic stability by continuing the direct payment program and by keeping in place a strong safety net that allows producers to recoup some of their losses when agricultural markets collapse. The bill would give farmers the option of participating in the counter-cyclical initiative that was created in 2002 or in a new, revenue-driven program.

At the same time, the legislation would make historic reforms by prohibiting those who earn more than $1 million in annual adjusted gross income from receiving federal agricultural subsidies, by closing loopholes that have allowed some people to avoid payment limits, and by re-balancing loan rates. These changes in current programs would free up additional revenue for the safety net and for the bill's investments in conservation, nutrition, rural development, and renewable energy.

The Farm Bill would make conservation a top priority by increasing funding and access to conservation programs that preserve farmland, improve water quality and quantity, and enhance soil conservation, air quality, and wildlife habitat. Missouri is a very conservation friendly state, and the Conservation Reserve Program, the Wetlands Reserve Program, and the Environmental Quality Incentives Program, among others, have allowed farmers to more easily address conservation problems and comply with expensive, but important, environmental regulations.

By extending and improving the food stamp program and making a strong commitment to other nutrition initiatives, the 2007 Farm Bill would promote the health of the American people and help families in need. The measure would also renew our commitment to rural development, agricultural research, forestry and energy. Important to Missouri's corn and soybean producers, it would authorize $2 billion in loan guarantees for biorefineries to help finance the cost of developing and constructing renewable fuel facilities. In Saline County, I have witnessed the overwhelming success of Mid-Missouri Energy's ethanol production plant. I am hopeful this bill will foster similar success stories in Missouri and across our land.

Also important to Missourians, the Farm Bill would continue price supports for dairy farmers and create programs for fruit producers. It would also require that all meat sold to American consumers have a country-of-origin label beginning in September 2008. The measure retains the current prohibition on creating a national animal identification to verify the animal's country-of-origin.

I praise Chairman COLLIN PETERSON and other members of the Agriculture Committee for producing a good bipartisan bill. I support it, urge my colleagues to vote in favor of it, and ask them to defeat any attempt to strip away the meaningful safety net included in this legislation.

Mr. WU. Madam Chairman, this year's farm bill creates an education program to give college students an opportunity to participate in policy oriented internships to promote and further develop agricultural biofuels from biomass. I commend the Chairman for incorporating this program into the bill.

The biofuel industry has experienced rapid growth in recent years. Global climate change, and an unstable foreign oil supply, requires the United States to develop alternative energies. To do this, the United States must create leaders in alternative energies. We must recruit the best and brightest across the Nation to participate in the program.

My amendment makes the eligibility criteria fair and opens the door for more qualified students to apply.

As currently written, the program reaches only five specific states. It is important that Congress does not shut out qualified universities and students.

My amendment would expand the program to qualified universities that have fields of study related to the biomass and biofuel industry. Schools with programs in chemistry, environmental sciences, bioengineering, natural resources and public policy would be eligible to participate in the internship program.

This amendment will not add any additional cost to the bill; it will only make the internship more competitive.

Congress needs to provide all students who are studying relevant fields the opportunity to gain practical work experience and to contribute to America's move to greater energy security. As we continue toward that goal, this program will prove invaluable.

I urge my colleagues to vote "yes" on this amendment.

Mr. WYNN. Madam Chairman, as Chairman of the Environmental and Hazardous Materials Subcommittee, I rise today in strong opposition to language contained in the report that accompanies the Farm Bill Extension Act of 2007 (H.R. 2419). The report references a "sense of the committee" amendment that farm animal manure should not be deemed a hazardous substance pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right to Know Act (EPCRA). The Farm Bill Extension Act does not contain any legislative text discussing whether manure is a hazardous substance under these statutes.

I am strongly opposed to this report language because it would exempt releases or threatened releases of hazardous components of manure from CERCLA and EPCRA.

Large animal feeding operations can be significant sources of pollution. According to the EPA, animal farming operations generate approximately 500 million tons of waste each year, three times more raw waste than is generated yearly by people in the United States. This waste, which is usually untreated by operations, produces hazardous substances such as phosphorous, ammonia, and hydrogen sulfide.

Phosphorous has contaminated local drinking water supplies, requiring additional treatment and resulting in increased costs to ratepayers. The City of Waco Texas for example is spending more than $54 million for capital improvements to address taste and odor problems caused by excessive phosphorous released by cow waste.

I also attach a letter from the Association of Metropolitan Water Agencies, dated July 23, 2007, that discusses the negative impact that such an exemption would have on the quality of our Nation's drinking water supplies.

If hazardous substances from livestock waste are exempted from CERCLA, states and local governments would be denied the ability to protect their valuable water supplies and to recover costs associated with cleaning up these hazardous substances from drinking water sources.

If hazardous substances from livestock waste are exempted from EPCRA, toxic release information would be withheld from communities and emergency responders. Many of the large feeding operations release large volumes of hazardous air pollutants, such as ammonia and hydrogen sulfide. A number of studies have determined health problems among animal feeding operation workers and residents who live near these operations, including bronchitis, asthma and antibiotic-resistent bacterial infections.

This exemption is unwarranted because CERCLA already includes a specific exemption for the normal application of fertilizer. Only those livestock operators who excessively apply manure to the land to get rid of it, rather than use it to fertilize crops, have potential liability.

We should not allow these large animal feeding operations to escape liability for causing pollution to our communities and pass the costs onto community water systems and rate payers.

Livestock waste should not be exempt from the environmental protections that CERCLA and EPCRA provide.

ASSOCIATION OF
METROPOLITAN WATER AGENCIES,
Washington, DC, July 23, 2007.

Subject: Oppose CERCLA Animal Waste Exemption in Farm Bill.

DEAR REPRESENTATIVES: As the House of Representatives prepares this week to consider legislation to reauthorize the Farm Bill, we urge you to reject language that would exempt components of animal waste from designation as a hazardous substance pursuant to the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Enactment of such an exemption would bring about serious consequences for the quality of America's drinking water supplies.

During last week's markup of the legislation, the Agriculture Committee adopted an amendment expressing the ''sense of the committee that farm animal manure should not be considered as hazardous substance'' under CERCLA. This follows the introduction earlier this year of legislation in the House and Senate that would specifically exempt animal waste and its components from the law.

As representatives of community drinking water systems, we believe it is important to note that animal manure itself is not currently considered a hazardous substance, pollutant or contaminant under CERCLA. Moreover, the law already contains an exemption for the normal application of fertilizer that includes manure.

However, phosphorus and other CERCLA-regulated hazardous substances that are known to compromise the quality of drinking water are commonly present in animal manure. If Congress were to provide a blanket CERCLA exemption for animal waste, consolidated animal feeding operations (CAFOs) would be free to discharge manure containing such hazardous substances into the environment without regard to its impact or liability for its damages. As a result, the costs of additional treatment to make water potable would be forced upon community water systems and their ratepayers, unfairly shifting the burden of cleanup away from polluters.

Later this year, Congress will celebrate the 35th anniversary of the Clean Water Act, landmark legislation modeled on the belief that all Americans must share the responsibility of maintaining the health of our nation's water supply. Exempting CAFOs from their fair share of this duty not only threatens to reverse the water quality gains that have been realized over the recent decades, but would also set a dangerous precedent encouraging other polluters to seek waivers from our environmental laws.

Again, we urge you to oppose a blanket exemption for animal waste and its components from the important requirements of CERCLA.

Sincerely,

DIANE VANDE HEI,
Executive Director.

The CHAIRMAN. All time for general debate has expired.

N O T I C E

Incomplete record of House proceedings. Today's House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, FIRST SESSION

Vol. 153 WASHINGTON, THURSDAY, JULY 26, 2007 No. 121

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord God, You alone are the creator and sustainer of the universe, so we pause to thank You for the gift of this day. May we show our gratitude by wisely using the gift of time in doing our best to serve You and to help one another.

Empower our Senators in their labors. Let the light of Your countenance calm every troubled thought and guide their feet in the way of peace. Grant them the ability to grow in wisdom and understanding so that they may know the best road to take in solving the problems of our world. Assure them of Your continued concern and love as You create tunnels of hope through mountains of despair. Be their helper and defender. Use them, Lord, for Your glory. Bring them safely through life's complexities into the refuge of Your amazing grace.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for an hour. Once that is closed, we will go back to the Homeland Security appropriations bill. There are no votes scheduled, although there are seven amendments pending. Perhaps we can dispose of some of those before lunch. We will certainly have some votes during the day.

Another issue which I have mentioned on many occasions is the 9/11 Commission recommendations conference report. That report was to be filed late last night. It is not available. It should be momentarily. We will make sure Senators have the opportunity to look at that. It is a large document.

Let's talk about this week. I know there is a trip scheduled this weekend. I contacted Senator BOXER last night and indicated to her I wasn't quite certain it would be able to take place. She was understanding and said I would have to do what I have to do, although she was disappointed. Maybe the trip can still go. It is a bipartisan trip to Greenland, led by Senators BOXER and ISAKSON.

We don't have a lot to do this week, but it could take a lot of time. We have 2 days. It is Thursday. We need to finish Homeland Security appropriations. I had a conversation last night with Senator CORNYN. We were waiting to get his language yesterday when we were trying to work something out for funding for the border. He had it written out in longhand. Anyway, we don't have it yet, but I am sure we will get that soon. Maybe we can complete that with a unanimous consent. Senator VOINOVICH indicated he wished to speak on it for a while but not long. So we want to accommodate him.

So we want to finish the bill we are on, either today or tomorrow. The other thing we need to do is complete the conference report. I hope we don't have to file cloture on the Homeland Security appropriations bill, which I have said many times I don't want to do. It is an open process, where people can file amendments, and they have done that. We hope we don't have to file cloture also on the conference report. What I wish to do—and I indicated this on a number of occasions—is to be able to start SCHIP on Monday. It appears that is pretty well set, what would happen when we get to that bill. It is a bipartisan bill that would be brought to the floor. There are a number of Senators who have worked on a substitute—Senator KYL, among others. That substitute would certainly be the main topic of the debate. I am confident there will be some other amendments offered, but that is the main issue as to whether the substitute would pass.

So children's health, we need to do that next week. I hope we can start it on Monday. Then the only other thing we need to do is to complete ethics and lobbying reform. As I have indicated, I wish to start another appropriations bill, but that would not take a vote during this session, though we would move to it before we leave. We would only do WRDA, the conference report

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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on WRDA. It is my understanding the conference is basically completed, but we would only move to that if Senators BOXER and INHOFE indicated they wanted us to do that. I understand they do. It has wide-ranging bipartisan support. But that wasn't in my original package and that will not hold us up. The only thing that will hold us up is the bill we are on now, SCHIP, 9/11 Commission recommendations and the ethics and lobbying reform. So I hope we can complete those things in a timely fashion, and I hope we don't have to work this weekend. If we do because of cloture votes, then we will schedule those according to whatever the standard procedure is.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

COMPLETING PENDING ITEMS

Mr. MCCONNELL. Mr. President, I would say to my friend the majority leader, I think there is a good chance of completing the work he outlined before the August recess. We will be working with him to try to move those items along.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for 60 minutes, equally divided, with Senators permitted to speak therein for up to 10 minutes each, with the first half of the time under the control of the majority and the second half of the time under the control of the Republicans.

The Senator from Maryland is recognized.

CAL RIPKEN, JR., HALL OF FAME INDUCTION

Ms. MIKULSKI. Mr. President, I rise with a great deal of joy and enthusiasm this morning, as the senior Senator from Maryland, to be a part of what all of Maryland is doing today. We are on the road to Cooperstown. We are literally in our cars or renting transportation to be heading to Cooperstown, and we are going to Cooperstown in our hearts, because on Sunday, our beloved all-around Marylander, all-around American hero, Cal Ripken, Jr. will be inducted into the Hall of Fame.

We are so excited about this because we want the world to know Cal Ripken as we know Cal Ripken. What a great guy. The world knows him as a fantastic baseball player, and he certainly is. I will go into his record in a minute. But he is also a fantastic human being, a devoted father, a faithful husband, a man of the community, giving his time and energy to philanthropic work. When we call him the ''Iron Man,'' he absolutely is.

Throughout his 21-year career, he has been the epitome of ''Iron Man,'' both on and off the field. I watched Cal going from being unknown to being the best known baseball player from Baltimore since Babe Ruth. I was there that last day at Memorial Stadium, when we closed the stadium down, and I was there on opening day at Camden Yards, and Cal was there, and I will watch him as he is inducted into the Hall of Fame. For we Oriole fans, it was never ''if'' Cal would go into the Hall of Fame, it was simply when.

Now, all baseball fans know about something called ''the streak.'' We remember the victory lap he took around Camden Yards on that very special night. As we were heading into that record-breaking, show-up-at-every-game Cal Ripken event, there was a countdown that was going on all over. At Camden Yards every day, they had the number when Cal would come out on the field. In my own office in the Hart Building, I had a great big banner for our own countdown.

There he was: 2,632 consecutive games. During that time, he hit 431 homeruns. He also started in 19 All-Star games. He won two American League Golden Glove awards, eight Silver Slugger awards, two American League Most Valuable Players, and the statistics go on.

But statistics don't tell the real Ripken story. We remember not the numbers, but we remember the man—the strong, dependable presence of Cal Ripken, Jr. Night after night, day after day, sometimes through injuries, through the wide range of emotions and pressures experienced as a major leaguer, at every game there he was: at third base, at shortstop, smiling at doing his job and doing it well.

I remember that fateful night when Cal broke the Lou Gehrig standing record. To see that banner drop from 2,130 to 2,131 and hear the admiration and the jubilation of the crowd in Baltimore is something I will always remember. The sustained cheers were never ending as Cal, urged by Rafael Palmeiro, took a lap around the field. It was a proud night for the Ripken family, for the Orioles, and for Maryland.

Mr. President, I wish you had been there that night. It was a magical night. Families came from all over to that game. Now, when I walked into Camden Yards, I thought maybe it would be a raucous night. Maybe it would be a spirit of New Year's Eve that we have in the Inner Harbor. But when you walked into Camden Yards, it was a quiet night. It was a respectful night. It had an air of great dignity. People were bringing their children. They had come from all over. They knew that something very special was going to happen because of a very special man. That evening had as much dignity as the player himself.

Cal's accomplishments transcend well beyond the baseball field. His character and demeanor are reflected in the successes he experiences every day on the field and off the field. He shows up and gives his maximum effort in every aspect. He puts his family above all. He is a community philanthropist and is committed to living something called the ''Ripken way.'' The Ripken way was something taught to him by his father, that very well-known baseball manager, Cal Ripken, Sr. Now, this Ripken way is something special. It isn't complex. Did the Ripkens hire a consultant or handlers to tell them about it? How did they do it? It came from their hearts, their experience, and their commitment to values.

The Ripken way is a value-driven leadership way. Its wisdom is to build great players and bind generations together. Here is what it is: No. 1, keep it simple. No. 2, explain the why of what you are doing to the people who are affected. Celebrate the individual. Make it fun and sweat those details and learn the little things so the big things can be done the right way. It emphasizes clarity, simplicity and, most of all, personal integrity.

I think the Ripken way is being used all over Maryland. It is used in our businesses and in our homes. It is in our hospitals, where Cal and his wife Kelly have contributed so much to children, and it is in our hearts today as we salute Cal Ripken and the wonderful honor he is receiving.

He applies the Ripken way on the ballfield and off the ballfield. He has established a foundation in his father's name: The Cal Ripken, Sr. Foundation, which helps young people learn not only baseball but the values of sportsmanship and the values of integrity, honor, and fidelity, the things that do build iron in your character. This is the legacy which shapes Cal's life, and so he wants to pass it on. Cal may be the local boy, but he is now an international hero.

There is no question that Cal has earned his way into the Hall of Fame. We congratulate him on his very stellar career. We so admire his work ethic and his commitment to community, to country, and for the well-deserved honor of being inducted into the Hall of Fame. While Cal has already achieved so much, I cannot help thinking about him that the best is yet to come.

On behalf of Senator CARDIN and myself, I will introduce to have referred to the appropriate committee a resolution commemorating Cal on his outstanding career in baseball and for his induction into the Hall of Fame.

Mr. President, these are tough times in the Senate. So when we can talk about something that really does deal with honor, fidelity, a commitment to

community, a commitment to country, and showing up every day and getting the job done, I think the way Cal would want us to tip our hats to him would be to step up to the plate and do our jobs and to do it the Ripken way. That is what I would like to do.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

SENATE AGENDA

Mr. DURBIN. Mr. President, I understand there are only a few minutes remaining in morning business, which is our opportunity to talk about a wide range of topics. We have a lot of important business going on in the Senate. We have the Homeland Security appropriations bill, which we want to pass quickly to keep our Nation safe. Then we are going to turn to the 9/11 Commission recommendations. Most Americans recall after 9/11, we appointed a very good bipartisan group to come up with suggestions to make America safer. Unfortunately, those suggestions have not been acted on, and each year the commission gives the Government a failing grade when it comes to their compliance, so we want to change that situation. This year, with the new Congress, we passed the implementation of these recommendations and hope to bring those to the floor this week and have them enacted.

We also have pending major ethics reform. Most people are, unfortunately, inured to the prospect of stories of corruption in Washington. Some of the events that have happened over the last several years have been horrendous, leading to the prosecution of Members of Congress and many lobbyists in town. It is time to change that situation. We have a bill that will move us dramatically in the right direction, the most significant ethics reform in the history of Congress. It has been caught up in a lot of political debate and wrangling. Now is the time to move it forward, enact it into the rules, the law of the land, and apply it to the Senate and the House of Representatives.

Then next week comes a critically important bill. There are 47 million uninsured Americans, many of them children. Right now we have a program where we provide Federal funds to States so they can help us in insuring those children. We have about 6 million children who are now covered by this plan, kids who otherwise would not have health insurance.

Incidentally, most of them are children of parents who are working, who go to work every day. They are not poor enough to have the Government insure them, and they are not wealthy enough to insure themselves. They get caught in the middle. Six million children have protection today.

The program expires September 30. We want to make sure those kids are not left without coverage, and we have another 9 million children who are eligible who have not been brought in. The Senate Finance Committee is going to expand the number covered from 6 million to 9 million nationwide.

I wish we could do more. We should cover them all. Why wouldn't we as Americans want our kids to have basic health insurance protection? Unfortunately, even though our bill is bipartisan, it is reasonable, it is within our budget, the White House said the President will veto it. The President's reason for vetoing the children's health insurance bill? It is hard to believe, but he says it is unfair to private health insurance companies. Unfair to private health insurance companies? Most Americans understand that for most of those companies, each year means higher premiums and lower coverage, and many of those companies have failed to come forward to find ways to bring Americans into health insurance coverage. There are not going to be many tears shed for that industry. We should have our concern and focus on the children who are going to be left behind when it comes to health insurance if the President vetoes this bill.

Next week we will focus on that legislation. We will try to get down and pass this, get together with the House of Representatives, and send it to the President as quickly as possible.

In August, we have a 3- or 4-week recess, which I assume we will be taking most of, and then come back in September in the first week. There are a lot of appropriations bills to consider at that time. We will go back to the Defense authorization bill and a very important national debate on the war in Iraq. The administration promises us September 15 to give us a status report, as required by law.

Most of the indicators are that the violence continues in Iraq. The Government continues to disappoint us and, unfortunately, American deaths continue to mount. That debate in September is going to be a critical watershed debate. We need to have more Republican Senators cross the aisle and join us to call for a new policy in Iraq. So far 4 of the 49 Republicans have come to our side. We need 11. I urge my colleagues on both sides of the aisle to work for a cooperative bipartisan approach to a new direction in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Texas.

IMMIGRATION

Mr. CORNYN. Mr. President, last evening the majority leader and I had an exchange on the Senate floor with regard to a proposed amendment by our side that would enhance Federal spending on border security measures and interior enforcement by $3 billion. While it is fair to say there was virtually universal support on this side of the aisle, there was some objection on the other side of the aisle, so that amendment was defeated.

Then the majority leader came back with a proposal that would strip some of the language from that amendment, but nevertheless would commit $3 billion to border security. I told the majority leader that I believed it should also include a way to spend that money not just on the border but also for interior enforcement of our immigration laws. In particular, I mentioned the sad phenomenon of roughly 600,000 absconders, people who have been ordered deported and who have simply gone underground rather than obey that lawful order from a court, or people who have actually been deported and then reentered the country after they have been deported. Both of those categories of individuals are known as absconders. They are, under the Immigration and Naturalization Act, felons.

I thought it was important that if we were going to be serious about enforcing our immigration laws we not just deal with the border, as important as that is, but we also deal with interior enforcement.

We were unable to reach an agreement last night, but I am pleased to say the majority leader was generous enough to call me last night and to tell me he wanted to look more closely at the language we had proposed. I take it from some of his remarks this morning on the floor that it is likely we will be able to reach some sort of agreement that will see those funds in this bill, $3 billion, where the Federal Government will finally do what it has advertised and promised to do for a long time, and that is to actually put the resources behind border security and enforcement of our immigration laws, rather than promise a lot and deliver very little.

I am grateful to the majority leader for working with me on that issue. I am hopeful Senator GRAHAM, who was the principal proponent of the border security amendment yesterday that I was proud to cosponsor, will be back here at 10:30 a.m. when we get back on the bill to talk about that amendment. I hope we can reach an agreement. It will go a long way toward beginning to regain the lost confidence and trust of the American people when it comes to our broken immigration system.

If there is one diagnosis I would make from our immigration debate over the last few weeks, it has been that people do not trust the Federal Government to actually do what it promises to do in this area. Where we have to start is on a firm foundation of border security and interior enforcement and from that build to a more comprehensive approach that deals with all aspects of the problem.

ACCESS TO QUALITY HEALTH CARE

Mr. CORNYN. Mr. President, I wish to talk about health care because we are going to be on this issue next week. It seems to me there are three things we all care deeply about in this country, no matter who we are or from where we come, and that is access to good quality education for all of our children, a job for people who want to work, and access to quality health care.

The fact is, in my State, unfortunately, we have a health care crisis because about 25 percent of the population in my State does not have health insurance. So where they go for their health care is to the emergency rooms of the local hospitals, and that creates a lot of problems because that is the most expensive health care, the emergency room. People who go to the emergency room for their primary health care, if it is not truly an emergency but they have nowhere else to go—and you can hardly blame them—what it does is causes a lot of emergency rooms to go on divert status, and so true emergencies have to go to a farther off location to get care, thus entailing some risk and potentially even loss of life as a result of the delays.

We have to tackle this problem. I know there are a lot of good ideas out there. We will be talking about some of those ideas next week when we talk about the reauthorization of the SCHIP program, the State Children's Health Insurance Program, that is important to my State and important to insuring children around the country.

The problem that has grown up in SCHIP is that, unfortunately, Congress's original intent to provide health insurance to low-income children, up to 200 percent of the poverty level, has simply been overtaken by some States. I believe it is a total of 14 States now that use that money, those Federal funds, Federal taxpayer funds, to actually insure adults, obviously not part of Congress's intent, which was to focus on low-income children.

Additionally, the original concept of SCHIP was dedicated to low-income children up to 200 percent of poverty level. We have seen proposals where some have said it ought to go up to as much as 400 percent of the poverty level, which, for a family of four, can mean an income over $80,000 a year and a mandate that SCHIP be used to provide health insurance for people with incomes in excess of $80,000 a year for a family of four.

The challenge I think we have is to make a decision between whether we are going to continue to encourage access to private health insurance, a market-driven response, or whether we are going to simply say the Federal Government is going to take this whole matter over and we are going to have a single-payer system, a national system for providing health care. That, to me, is a very important debate.

Frankly, from my standpoint, I believe every American needs the resources and the ability to purchase health insurance. I think going to a single-payer, Washington-controlled health care system is simply not the way to go. There are a number of ways we can approach this, and I hope this important debate we will have next week will address these issues.

I think we have to end Tax Code discrimination against those who cannot get health insurance through their employer by giving a tax break to every American so they can purchase their own health insurance. Part of the problem is, people are frequently bound to an employer. They are afraid to leave that employer lest they be precluded from getting another health insurance policy because of previous existing conditions. So many people simply lack the portability of their health insurance, the ability to take it from job to job. In effect, they are bound almost to the extent of involuntary servitude with their current employer. We have to change that by creating portability.

I think we need to give individuals the ability to take control of their health care needs and to continue to preserve something they think is very important, and that is the relationship between the patient and their health care provider, along with the freedom to choose what is in the best interest of that individual patient, rather than to have the Government determine for them what kind of health care they are going to get and perhaps ration it and create a huge, expensive bureaucracy to do so.

I also hope part of this debate on reauthorization of the State Children's Health Insurance Program will allow us to look at what the ultimate goals are of some of the proponents. One concern I have is that the dramatic expansion of funding proposed by the Finance Committee—in language we haven't yet seen—will be a precursor to one more incremental step to a Government-controlled, Washington-centered health care bureaucracy, and that will make it harder and harder for us to provide the opportunity for individuals to purchase their own health insurance, along with the right to choose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CORNYN. Mr. President, parliamentary inquiry: My understanding was that you cited 30 minutes of morning business.

The PRESIDING OFFICER. There is a 10-minute time limit per Senator.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2638

Mr. REID. Mr. President, I will just take a minute and then the Senator from Texas can speak. I told the Senator from South Carolina that I was going to make a unanimous-consent request.

I say to my friend from Texas, what a difference a night makes. As you know—as some know, not very many—Senator CORNYN and I, Senator GRAHAM, and a few others were trying to work something out on border security, and Senator CORNYN and I were the last two to speak on this issue. Like a lot of things around here, if you don't get your way, you kind of throw a tantrum a lot of times. I didn't get my way, so I thought I would throw just a little tantrum.

The evening has brought to my attention that I was wrong. Senator CORNYN was right. I hate to acknowledge that, but that is basically valid. Having said that, Mr. President, and swallowing a little bit of pride, which I shouldn't have had, I now ask unanimous consent that when the Senate resumes consideration of H.R. 2638 today—which will be in just a few minutes—the time until 11:35 a.m. be for debate with respect to the Graham-Pryor border security amendment—and that has the language of the Senator from Texas in it—I would interrupt and say that I have spoken to the distinguished Republican manager and told him I was going to offer this consent agreement—with the time divided as follows: 30 minutes under the control of Senator VOINOVICH and the remaining time equally divided and controlled between Senators GRAHAM and PRYOR or their designees; that no amendments be in order to the amendment prior to the vote; that upon yielding back of time, the Senate proceed to vote on the amendment, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object, and I do not intend to object, I want to be sure that there is consent on this side among those who are engaged in the debate, specifically the Senator from Texas and the Senator from South Carolina, so that they understand the proposed order and have no objections to it.

Mr. REID. Is our consent granted, Mr. President?

Mr. COCHRAN. We are getting his reaction to it.

Mr. CORNYN. Mr. President, I have no objection, and I appreciate the generous remarks of the majority leader and his willingness to work with Senator GRAHAM and me on this important issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I ask unanimous consent that out of our allotted morning business time I be granted 5 more minutes, and then I will turn the floor over to my other colleagues who wish to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. I appreciate that, Mr. President.

Mr. President, one of the concerns I think many people have about the dramatic expansion proposed by the Senate Finance Committee's adding an additional $35 billion on top of the existing $25 billion commitment for State

health insurance plans in the SCHIP program is that it bears remarkable resemblance to a plan originally proposed by the health care task force of President Clinton, and particularly the one that has come to be known—and I don't know whether she takes pride in this title or is offended by it, and I certainly don't mean any offense, but sometimes known as Hillary Care.

This was a plan, as we will all recall, that grew out of a task force chaired by the then-First Lady which I think states very clearly its goal to start the role of Federal control of health coverage with kids first, or children, and then to add employer groups, individuals, and then Medicaid recipients. So that instead of the current 50 percent of health care in America today paid for by the Federal taxpayer and the Federal Government, it would grow to 100 percent, which would simply preclude any private marketplace and the individual choice that goes along with it for individuals.

Mr. President, just so you don't take my word for it and that it is made clear, I will offer from that task force report page 22, and I ask unanimous consent that it be printed in the record following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Clearly, in this document, you will see that it does say that this proposal phases in universal coverage starting with Kids First. It says Kids First is really a precursor to the new system, and then other populations it proposes to phase in are employer groups, individuals, Medicaid recipients, and the like.

So I think that is what a lot of us are concerned about. And perhaps Senator CLINTON, now that she is a Member of this body, will talk to us a little bit about it and what her intentions are, what the intentions of the proponents are of the Finance Committee bill because there are some very serious concerns.

I will yield in a moment to the Senator from South Carolina, who has been so active in this area, but I think, as he will explain, there are a lot of us who would like to see not just additional money being provided for children's health insurance but that literally we make as our goal to provide each and every American access to their own health insurance, along with the individual choice and the freedom and the portability that will provide.

I know the Senator from South Carolina has done an awful lot of work on it—I have learned a lot from him in this area—and I think it is an important time to start this critical debate, and not just stop with the expansion of the SCHIP program, but to seek as our goal to provide each and every individual access to health care coverage of their own choosing.

Mr. President, I thank the Chair, and I yield the floor.

EXHIBIT 1

OPTION 3: KIDS FIRST COVERAGE

Implementation Start: January 1, 1995.

Phase-in: By Population, Beginning with Children.

Universal Coverage Achieved by: January 1, 2000.

SUMMARY

This proposal phases in universal coverage, minimizes the financial burden of the program at the outset, and covers the most vulnerable of our citizens—children—as quickly as possible. Under this approach, health care reform is phased in by population, beginning with children. Other populations are phased in as follows: Employer Groups: July, 1997; Individuals: January, 1998; Medicaid: January, 2000.

States may be granted a grace period under certain circumstances.

This proposal is designed in two parts which will be implemented simultaneously:

I. The quick coverage of children—''Kids First''; and,

II. the development of structures for transitioning to the new system and the phasing in of certain population groups.

Part I, Kids First is really a precursor to the new system. It is intended to be free-standing and administratively simple, with States given broad flexibility in its design so that it can be easily folded into existing/future program structures. The Federal government, States, and the private sector will play a role in its implementation and financing.

Part II of this proposal involves the development of purchasing cooperative (PC) structures and the actual phase-in of all other population groups within the PC system.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I thank the Senator from Texas for helping to start a very important national discussion about how we get every American insured. We can see in Washington, as we expand government health care, as we continue to expand unfunded liabilities into the future, and we add administrative costs, we are not covering people who need to be covered still.

When we look at our Tax Code and realize that there has been a lot of inequity there, that we are helping some buy health insurance but only if they work for the right employer, we need to look at being fair with our Tax Code and developing a policy that will help every American have a health policy they can own and afford and keep. We will be talking a lot more about health care later.

HOMELAND SECURITY APPROPRIATIONS

Mr. DEMINT. Mr. President, I wanted to talk about a couple of amendments that I have to the Homeland Security appropriations bill today. First, I would like to bring up the matter of security itself and how it affects our ports. Certainly, it is unfortunate that we have to be here once again to talk about threats to our homeland, but that is the reality we face today.

The amendment I am talking about now has been filed. It is amendment No. 2481. It will help us address some of the vulnerabilities and help secure the American people. This amendment, No. 2481, which I will bring up later today, prohibits the Department of Homeland Security from using any funds to remove items from the list of offenses that disqualifies individuals from receiving a transportation worker identification credential—what we call the TWIC card.

Mr. President, we can spend all the money in the world screening cargo and hiring security personnel, but if someone working in our seaports looks the other way when something dangerous enters our country, all of our spending and all of our work is for nothing. Serious felons are prime targets for those trying to smuggle a nuclear device or a chemical weapon into our country, and we must close that security gap.

My colleagues will no doubt recall that I have tried to address this issue two times in the past year, and both times my amendments received overwhelming support. Yet we have not yet seen a sufficient result from the effort to secure the American people's safety.

Last fall, the Senate accepted an amendment I offered to the SAFE Port Act to close this dangerous loophole by codifying the Department of Homeland Security's rules banning serious felons from gaining access to the secure areas of our Nation's ports. In effect, it would have prevented these felons from obtaining this TWIC card. It was a commonsense amendment, and I suspect that is why it was included in the Senate's bill, without any objection from any Senator here. Let me repeat. It was included in the SAFE Port Act without objection.

I also suspect that is why no Senator has come forward to this day to take credit for gutting the amendment when they went behind closed doors in a conference with the House. The amendment that left this body was a codification of disqualifying felonies, developed after an exhaustive process by the Department of Homeland Security, in consultation with the Departments of Justice and Transportation.

The offenses listed are very similar to those that have worked well to protect our airports and hazardous materials shipments for years.

Unfortunately, the provision that came back to this body after the conference committee was a list of offenses so short and rare that the TWIC restrictions offered by the so-called SAFE Port bill are essentially meaningless. The conference committee chose not to ban murderers, rapists, arsonists, smugglers, kidnappers, and hostage-takers from accessing the most secure areas of our Nation's ports. In short, they chose to override the expressed will of the Senate and make America less secure.

I trusted that Senators chosen to sit in conference with the House would act to protect items included by the Senate; especially those items with unanimous or near-unanimous consent in

this body that are critical to our homeland security.

But that trust was betrayed last fall, anonymously, behind closed doors.

It is not only those backroom deals that bring me here to offer this amendment today, but also the episode witnessed out in the open, on the Senate floor, during consideration of the 9/11 Commission bill in February of this year.

At that time, I again offered an amendment to codify the Department of Homeland Security's final rule on TWIC disqualifying offenses. But this time, I requested a rollcall vote, since the conferees clearly gave no regard to the unanimous voice of the Senate last fall.

This should have been another noncontroversial passage. However, knowing they would be forced to actually go on record this time around, a separate side-by-side amendment preferred by Democrats and, no doubt, their allies in the labor unions, was introduced. Its language was less restrictive, allowing the current or future DHS Secretary to modify—in other words, remove—disqualifying offenses on the list. It passed 58–37.

My amendment was voted on immediately after, and passed 94–2. An article in the Roll Call newspaper from July 9 recounted the episode:

> In February, 13 Democrats and Senator Bernie Sanders (I–Vt.) voted against an amendment offered by Senator Jim DeMint (R–S.C.) to prevent people convicted of terrorism or other felonies from getting access to secure areas of American seaports. But before the vote was over, they all switched to ''yea.''

What happened was Democrat leadership made it clear to their caucus that their version, allowing removal of felonies from the list, would replace my language in conference. My Democrat colleagues switched to supporting my version because they knew it was irrelevant; that it would be ''taken care of'' behind closed doors, just like last time. Again, the final vote in favor of my amendment was 94–2.

And it is not just the Senate that overwhelmingly supports my language. The House of Representatives, just last week, voted 354–66 to instruct conferees to include my language in the conference report.

The conference report for the 9/11 Commission bill is beginning to circulate, and I understand that the conference committee has now denied the will of the Senate and the House, by including language allowing the removal of serious felonies from the list of TWIC interim disqualifying offenses.

The language has been watered down to reopen loopholes allowing smugglers, arsonists, kidnappers, rapists, extortionists, and people convicted of bribery, money laundering, and hostage taking to obtain access to secure areas in our ports.

We have a chance now on this appropriations bill to ensure that whatever is done to weaken these provisions on the 9/11 Commission bill, that it will not have the effect of weakening our port security this year. We must not allow our constituents to be betrayed again by deals made in secret.

That is why I am offering this amendment. Again, it prohibits the Department of Homeland Security from using any funds we are appropriating in this Act to remove items from the list of offenses disqualifying individuals from receiving transportation worker identification credentials, also known as TWIC cards. I will ask my colleagues later in the day to support this amendment, and hopefully we will have a vote on it.

Mr. President, how much time is remaining on the minority side?

The PRESIDING OFFICER (Mr. TESTER). Eight minutes.

Mr. DEMINT. I would also like to address my amendment No. 2482.

This amendment would prevent the Government from shutting down when regular appropriations bills are not enacted. It would do so by automatically triggering a continuing resolution that funds agencies at current levels for up to 1 year. The amendment would begin automatic funding on the first day of a lapse in appropriations and it would end on the day the regular appropriations bill becomes law or the last day of the fiscal year, whichever comes first.

This would eliminate the must-pass nature associated with regular appropriations bills which often pressures lawmakers into accepting spending bills with objectionable spending.

The Democratic leader said at the beginning of the year that he would get all of the appropriations bills done before the end of the fiscal year, but there are only 2 months left and we have not completed a single bill. This means we are going to eventually be faced with having to pass a bad bill or alowing parts of the Government to shut down. I certainly don't support that and I know my colleagues do not either. This amendment will prevent that kind of train wreck from ever happening.

The President supports this amendment as I believe any President would because it prevents their administration from being shut down. His fiscal year 2008 budget says:

> In the 22 out of the past 25 years in which Congress has not finished appropriation bills by the October 1st deadline, it has funded the Government through ''continuing resolutions'' (CRs), which provide temporary funding authority for Government activities, usually at current levels, until the final appropriations bills are signed into law.
>
> If Congress does not pass a CR or the President does not sign it, the Federal Government must shut down. Important Government functions should not be held hostage simply because of an impasse over temporary funding bills. There should be a back-up plan to avoid the threat of a Government shutdown, although the expectation is that appropriations bills still would pass on time as the law requires. Under the Administration's proposal, if an appropriations bill is not signed by October 1 of the new fiscal year, funding would be automatically provided at the lower of the President's Budget or the prior year's level.

My amendment would create a safety net that would avoid crisis situations that often pressure lawmakers into supporting spending bills they would not otherwise support. This is a commonsense proposal and I encourage my colleagues to support it.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I notice the presence on the floor of the distinguished Senator from Ohio, who is under the order to have a specific amount of time for debate.

Mr. VOINOVICH. Mr. President, I thank the ranking member of the Homeland Security Appropriations Subcommittee for giving me this opportunity.

Yesterday, when I heard the Senate was considering passing an additional $3 billion in emergency spending to secure the border, I looked into the situation very carefully and calculated that, with the funding level the Homeland Security Appropriations Subcommittee recommended, we are already going to be increasing budget authority for border protection and enforcement by roughly 23 percent over fiscal year 2007. The President's budget had recommended $13.5 billion, an 11 percent increase in border protection budget authority over fiscal year 2007. The Appropriations Homeland Security Subcommittee, in their wisdom, decided to increase it by another $1.4 billion, which takes it to a 23 percent increase over fiscal year 2007. If the Graham amendment passes, we will have increased budget authority for this priority by almost 47 percent over what we appropriated last year.

I let the majority leader know that I objected to having this amendment for $3 billion in emergency spending considered by unanimous consent. I thank him for the opportunity to object to it on the basis of a unanimous consent, and I am pleased this will be scheduled for a rollcall vote, I believe at 11:30.

Mr. President, as a senior member of the Homeland Security and Governmental Affairs Committee, and former chairman and now ranking member of its Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia for the last 8 years, I rise today to speak against the proposal to allocate an additional $3 billion in emergency spending for the Department of Homeland Security.

First, I want to make clear that I agree with my colleagues that we must secure our border and provide the resources to do it. Had it not been for the fact that the previous administration and former Congresses failed to provide the money needed for border security, we would not have the illegal immigration problem now facing our country.

That being said, this administration has religion and in the past several years has taken seriously the need to

secure our borders. The President has recommended the funding necessary to get the job done.

Let me remind my colleagues that the Department's overall budget has grown more than 150 percent since the Department's creation merging 22 disparate agencies; while total homeland security spending has more than tripled since 2001. Of that total, border security and immigration enforcement represents approximately one-third of the Department's annual spending.

Since 2001, Congress has more than doubled funding for border security, from $4.6 billion in fiscal year 2001 to $10.4 billion in fiscal year 2007. Including the $14.9 billion recommended by the Appropriations Committee, this figure would jump to a more than 220-percent increase in border security spending since 2001.

Through the Secure Border Initiative, a comprehensive and multi-year strategic plan funded by Congress, the Department of Homeland Security is making substantial progress. I would like to take a moment to share with you the achievements to date.

The number of border patrol agents has already been increased by nearly 40 percent, from about 9,700 in 2001 to 13,360 today. Congress has appropriated funds to hire a total of 2,500 new agents this year, bringing the anticipated fiscal year 2007 year-end total to 14,819 agents. The fiscal year 2008 budget we are considering would provide funds for an additional 3,000 border patrol agents, bringing the fiscal year 2008 year-end total to nearly 18,000 border patrol agents. By the end of fiscal year 2008, we will have doubled the size of the border patrol since 2001.

As we continue to ramp up the number of border patrol agents, 6,000 National Guard personnel have been deployed to the Southwest border as part of Operation Jumpstart. These personnel continue to assist Customs and Border Protection's efforts to secure the border.

The Department of Homeland Security has already gained effective control of 380 miles on the southwest border, plans to achieve effective control of 642 miles by the end of calendar year 2008; and has a strategic plan in place to gain control over the entire southwest border by 2013.

The Federal Government has effectively ended the practice of ''catch and release'' through a combination of tough enforcement and increased detention capacity.

We have more than doubled the number of immigration investigators.

The Federal Government has increased detention bed space by 46 percent.

We would all like to see these efforts move more quickly, but the reality is that it takes time to build fences, it takes time to build radar towers, and it takes time to hire and train quality border patrol agents. The executive branch has made clear that border security is a high priority and has developed a strategic plan to accomplish these goals as quickly as realistically possible.

Today, while the Senate engages in debate, Customs and Border protectorate agents will apprehend roughly 2,617 people crossing illegally into the United States. Immigration and Customs enforcement personnel will house approximately 19,729 aliens in ICE detention facilities. The Federal Law Enforcement Training Center will train more than 3,500 Federal officers and agents. These daily statistics are further evidence that progress is being made.

I recall the February 2007 hearing before the Homeland Security and Governmental Affairs Committee when Secretary Chertoff presented his budget request for fiscal year 2008. The Secretary asked for $13 billion to strengthen border security and immigration enforcement.

In justifying the administration's request, I can assure you that Secretary Chertoff was quite clear that he took very seriously his responsibility to secure the border. His testimony detailed the progress he had made, while outlining the Department's multiyear strategic plan for continued improvements. In recognition of the challenge, the Secretary acknowledged that we still had a long way to go to objectively say to the American people that the border is secure. The amount recommended by the Senate Appropriations Committee in the base bill ensures these goals will be met.

The Appropriations Committee reviewed the Department's budget request and in its wisdom decided that the President may not have provided ample resources to the Department of Homeland Security. As a result, the Appropriations Committee recommended $1.4 billion above the President's request for border security and enforcement, at a total of $14.9 billion, which is a 23 percent increase over fiscal year 2007. If you include 3 billion more it will amount to a 47 percent increase.

I am confident that in addition to believing more money was needed for the Department, the Appropriations Committee wanted to send a signal to the American people that we have heard their cry to secure the border.

The Department of Homeland Security requested $35.5 billion for fiscal year 2008, but this bill provides $37.6 billion, more than $2.2 billion above what the Department says it needs. But now, the Senate is proposing to increase that amount by yet another $3 billion, so that the total budget authority would surpass $40 billion. Some Senators claim that this is OK because that $3 billion has been designated ''emergency spending,'' as if using the emergency label is like waving a magic wand so that it doesn't actually cost us anything. That is not true. At the end of the day, this amendment will increase the national debt by $3 billion, regardless of what label you put on it.

I might add that the President said he would veto this bill because it includes an ''irresponsible and excessive level of spending.'' Irresponsible and excessive—words we in Congress disregard too often. Obviously from his perspective, the $35.5 billion in net budget authority for fiscal year 2008 that Secretary Chertoff requested from Congress was what he felt was needed to fund the Department of Homeland Security and continue the efforts to secure the border. I know the President wants to assure the American people that he has moved with urgency to secure the border before he leaves office. Border security will indeed be part of this President's legacy.

In the simplest of terms, the Federal Government continues to spend more than it brings in, and both the amendment and the underlying bill continue that practice. Over my 8 years in the U.S. Senate, I have watched the national debt skyrocket 60 percent—from $5.6 trillion in 1999 to $9 trillion today.

No one talks about the national debt anymore. But running the credit card for today's needs and leaving the bill for future generations should not be the policy of the U.S. Congress. It represents a recklessness that threatens our economic security, our competitiveness in the global marketplace, and our future quality of life. If we decide we absolutely need to spend $3 billion on something—and I support adequately funding border security—then we need to either raise more revenue or cut other spending to pay for it. Simply adding it to the national debt makes our country less secure in the long run.

How does continuing to borrow and spend make us less secure? Today, 55 percent of the privately owned national debt is held by foreign creditors—mostly foreign central banks. That is up from 35 percent just 5 years ago. Foreign creditors provided more than 80 percent of the funds the United States has borrowed since 2001, according to the Wall Street Journal. And who are these foreign creditors?

According to the Treasury Department, the largest foreign holders of U.S. debt are Japan, China, and the oil-exporting countries known as OPEC. Borrowing hundreds of billions of dollars from China and OPEC puts not only our future economy, but also our national security, at risk. It is critical that we ensure that countries that hold our debt do not control our future.

Why are we taking the fiscally irresponsible act that will add to our unbalanced budget and national debt? I am glad that the administration and Congress have placed the needed focus on this important priority, but I want to ensure that we do not go too far in simply throwing money at this problem; money that cannot be effectively spent in fiscal year 2008—which begins in October.

This money is not needed in light of the money the Appropriations Committee has recommended, including the

$2.2 billion in additional spending over which the President has threatened a veto. The Department is already spending one-third of its budget on border security and immigration enforcement—a clear reflection of its priorities.

Next year, the Senate will review the President's budget request and the Appropriations Committee will recommend funding levels. If next year, we determine that more needs to be spent to continue to improve border security and enforcement, fine. But let's not simply toss an additional $3 billion out the window for fiscal year 2008.

I have the deepest respect for my colleagues, but I respectfully disagree on appropriating an additional $3 billion in emergency spending. They know and I know that the sole reason for appropriating these funds would be to convince the American people that Congress cares about securing the border—even though we know this additional spending exceeds what can possibly be spent in the 2008 fiscal year.

The question I ask is: How dumb do they think the American people are? Don't they realize that the American people will see through this charade and realize we are pulling a fast one on them?

How cynical can we be? The American people want us to work harder and smarter and do more with less and will be very angry that we are simply throwing money at a problem in a manner designed to make them feel good in the short term. This is the type of game playing that has caused our approval ratings to slump to all-time lows.

When something comes along that we decide we must spend more money on—and border security could very well be one of those things—then we need to be prepared to pay for that additional spending by either bringing in more revenues or cutting other spending. I ask my colleagues not to support this fiscally irresponsible act that will surely diminish our credibility with the American people.

I thank the ranking member of the Appropriations Subcommittee on Homeland Security for this opportunity. I hope some of my colleagues have an opportunity to understand why I think what we are doing here today is absolutely fiscally irresponsible. I am extremely pleased that this administration and this Congress is taking border security seriously. This attention is long overdue. I know all of us are trying to convey to the public that we are finally acting to secure the border. There is no one more ardent about that than I am. But let me remind my colleagues that the Department of Homeland Security has presented this Congress with a multiyear strategic plan for improving border security and enforcement, called the Secure Border Initiative. The Appropriations Subcommittee recommendations have fully funded the Department's request for what they believe they can accomplish in fiscal year 2008.

I have been on the Homeland Security and Governmental Affairs Committee since I came to the Senate. I was part of creating the Department of Homeland Security. I have spent many hours with Secretary Chertoff and other Department officials. I really believe the money that has been recommended by the Homeland Security Appropriations Subcommittee is adequate to get the job done during fiscal year 2008, in line with the Department's multiyear strategic plan. And we will reevaluate this situation for fiscal year 2009, and fiscal year 2010, and so on. But I do not think we should go through the charade of making the American people believe we are really sincere about securing the border by spending another $3 billion of emergency spending when the substantial funding that has already been recommended for fiscal year 2008 will get the job done.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I believe under the agreement the remaining time will be controlled by myself and the Senator from Arkansas; is that correct?

The PRESIDING OFFICER. The minority has 40 seconds remaining in morning business.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 2638, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2638) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

Pending:

Byrd/Cochran amendment No. 2383, in the nature of a substitute.

Landrieu amendment No. 2468 (to amendment No. 2383), to state the policy of the U.S. Government on the foremost objective of the United States in the global war on terror and in protecting the U.S. homeland and to appropriate additional sums for that purpose.

Grassley/Inhofe amendment No. 2444 (to amendment No. 2383), to provide that none of the funds made available under this act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in such basic pilot program.

Cochran (for Alexander/Collins) amendment No. 2405 (to amendment No. 2383), to make $300 million available for grants to States to carry out the REAL ID Act of 2005.

Schumer amendment No. 2416 (to amendment No. 2383), to evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy, and cost of passport cards.

Schumer amendment No. 2461 (to amendment No. 2383), to increase the amount provided for aviation security direction and enforcement.

Schumer amendment No. 2447 (to amendment No. 2383), to reserve $40 million of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities Initiative at the level requested in the President's budget.

Schumer/Hutchison amendment No. 2448 (to amendment No. 2383), to increase the domestic supply of nurses and physical therapists.

Dole amendment No. 2462 (to amendment No. 2383), to require that not less than $5,400,000 of the amount appropriated to U.S. Immigration and Customs Enforcement be used to facilitate agreements described in section 287(g) of the Immigration and Nationality Act.

Dole amendment No. 2449 (to amendment No. 2383), to set aside $75 million of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287(g) of the Immigration and Nationality Act.

Cochran (for Grassley) amendment No. 2476 (to amendment No. 2383), to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane.

The PRESIDING OFFICER. Under the previous order, the time until 11:35 a.m. shall be for debate on the Graham-Pryor amendment, with 30 minutes under the control of the Senator from Ohio, Mr. VOINOVICH, and the remainder of the time equally divided and controlled by the Senator from South Carolina, Mr. GRAHAM, and the Senator from Arkansas, Mr. PRYOR.

The Senator from South Carolina is recognized.

AMENDMENT NO. 2480 TO AMENDMENT NO. 2483

Mr. GRAHAM. Mr. President, consistent with the unanimous consent agreement, we will be talking about an amendment that was discussed last night. Senator CORNYN had some language changes to the amendment that have now been adopted. I believe it makes it a much stronger, better amendment.

What we are trying to do here is add $3 billion to go toward securing the border, and I believe that is a homeland security event. So it is certainly an amount of money that is large in nature but goes to something that is large in nature in terms of our national security needs.

In terms of Senator VOINOVICH and his concerns about spending—I admire him greatly. He has been a constant, serious, thoughtful voice about controlling spending. This is an emergency designation, which means it is an off-budget item. I think Senator VOINOVICH has every right in the world to be concerned about how the Congress is spending money in a way for the next

generation to pick up the bill, but I would argue there is a time for emergencies in business life and personal life and legislative life, and this is one of those times.

This is an emergency kind of manufactured by Washington. It is something that should have been done 20 years ago. Now we have taken up immigration in a serious way. We had an extensive debate not long ago, and we were not able to get comprehensive immigration reform, but I think most Americans believe losing operational control of the U.S.-Mexican border is a national security issue of a serious nature, and they applaud our efforts to put money into securing the border between the United States and Mexico. That is exactly what this amendment does.

If there were ever a legitimate emergency in this country, I think this would be one of those times because we have lost control of our border. In the age of terrorism, what does it mean for a nation like the United States, which is being pursued by a vicious enemy that knows no boundaries, to lose control of its border?

It means that you are opening yourself up to attack. Now, most of the people who come across the border come here to work. This amendment does not deal with that. Hopefully, it will slow down how you get into the country. Hopefully, it will control who comes into the country—people coming to work illegally or people coming across the border to do us harm, it would make it more difficult.

But the idea of employment and the magnet of employment is not addressed by this amendment. We need a temporary worker program. We need employer verification systems so people cannot come here and fraudulently get jobs. That is not dealt with in this amendment. But this amendment is a great first step to controlling people coming across our border and overstaying their visas. I think it is a step that will get a large bipartisan vote.

What does it do? The $3 billion in emergency spending will allow us to hire 23,000 Border Patrol agents to go report for duty; more boots on the ground, more people patrolling our border making it harder for somebody to come across illegally. We should have done this a long time ago.

This amendment allows the hiring of a substantially larger number of Border Patrol agents, four unmanned aerial vehicles that will allow us to patrol isolated areas of the border by having new technology in place—the unmanned aerial vehicle has been a very effective tool in controlling illegal border crossings—one hundred and five ground-based radar and camera towers. We need walls along the border in urban areas where you can walk across the street, but technology in the desert and other areas of the border has proven to be a good investment. This amendment seriously increases the amount of technology to detect illegal border crossings; 300 miles of vehicle barriers, where people can drive up and down the border with vehicle lanes, where the Border Patrol can patrol that area in question and make it a more effective policing regime; 700 miles of border fence. We have approved the fencing. This would actually completely fund 700 miles of fencing. The border is, I believe, over 2,000 miles. Why 700 miles? Seven hundred miles would allow us to control crossings where you can literally walk across the street. The technology we are putting into place through this amendment will control other areas. The additional boots on the ground will help in all phases.

On the catch-and-release program, where you catch someone, turn them loose, and they come right back, well, we are trying to deal with that problem by increasing detention beds to 45,000, so when we catch someone, we can detain them and deport them—without them never showing up to their hearing.

The Cornyn addition will allow this $3 billion to be used in interior enforcement in a way to go after people who have absconded, who have been deported, who have been issued orders but have left and they are on the run. We can track them down and bring them to justice.

Overall, this amendment is money well spent. I am sorry it has to be spent in an emergency fashion, but it is an emergency. The reason this is an emergency, we have let it get out of hand. The goal of this amendment is operational control of the U.S.-Mexican border.

Mr. President, I call up amendment No. 2480 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. GRAHAM], for himself, Mr. ENZI, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, and Mr. CORNYN, proposes an amendment numbered 2480 to amendment No. 2383.

Mr. GRAHAM. 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:

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Border Security First Act of 2007''.

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate 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 shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain 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 shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) 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 (4) 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.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States and for reimbursment of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mr. GRAHAM. Mr. President, I ask unanimous consent to add Senator HUTCHISON as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I yield to Senator CORNYN to speak on this topic for 5 minutes.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I wish to express my gratitude to Senator

GRAHAM for his strong leadership on this issue. I know Senator PRYOR, on the other side of the aisle, is the principal Democratic cosponsor.

I concur with what Senator GRAHAM said. The necessity for this particular amendment is occasioned by the neglect of the Federal Government over the last 20 years at meeting its commitment to do whatever is necessary to keep the American people safe.

This has become, of course, a national focus in a post-9/11 world, when we have to know who is coming across our borders and what their intentions are. We cannot any longer assume people are coming across for benign reasons or are simply economic migrants because we know the same broken borders that allow a person to come across who wants to work in the United States can be exploited by human smugglers or drug traffickers and potentially even those who want to come here and commit acts of terrorism in the United States.

Yesterday, I made a part of the CONGRESSIONAL RECORD, by unanimous consent, the first of a four-part article written in the San Antonio Express News, documenting the movement of what are called special interest aliens; that is, individuals who are coming to America, from countries where terrorism is flourishing, through our broken southern border.

The particular story that is documented talks about a young Iraqi who traveled from Damascus, Syria, to Moscow, to Havana and then to Guatemala and then up through the southern border, our southern border with Mexico, into the United States. Thank goodness this individual did not appear to be committed to a life of terrorism, but it demonstrates the kind of vulnerability we have in this country, and it is important we do everything possible to protect it.

I am pleased with the majority leader's agreement to now allow us to include the use of these funds for interior enforcement because we know 45 percent of the illegal immigration in this country occurs not from people who violate the border but people who enter legally, then overstay and then go underground. So I am grateful to the majority leader and am pleased to support this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I come to the floor this morning to speak about amendment No. 2480, the Graham-Pryor amendment. Let me first say the legislation Senator GRAHAM and Senator PRYOR have brought to the floor this morning, in terms of an amendment, is essentially the same language and has the same legislative provisions we had in the comprehensive immigration reform package. They are good aspects of that legislation that allow us to move forward with securing and fixing our borders.

As we went through the immigration reform debate, we said we had to do three things: First, we needed to enforce and fix our borders; secondly, we needed to enforce our laws within our country; and, thirdly, we needed to figure out a realistic solution to the reality that we have 12 million undocumented workers who are here in this country today.

This amendment takes a part of those principal components and addresses it in a very effective way. Indeed, when you look through the language, what it does is it says we will hire 23,000 additional Border Patrol agents; we will have 4 unmanned aerial vehicles and 105 ground-based radar and camera towers; we will have 300 miles of vehicle barriers and 700 miles of fence; we will have a permanent end to the catch-and-release policy and additional funding to enhance employment verification; we will have increased removal and detention of visa overstays and reimbursement to State and local governments for immigration expenses.

So that all is good. It addresses one of the fundamental components of immigration reform. So I am supportive of what we are trying to do here. I do wish to let my good friend and colleague, Senator GRAHAM, and my good friend, Senator PRYOR, know that the concern I have with the amendment, notwithstanding the fact that I will support it, is that it is all focused on the southern border.

While it may be, and it is true our borders are broken, it is not just the border between Mexico and the United States that is broken. We have the same kinds of problems in our ports, we have the same kinds of problems along our northern border. This is, frankly, unfair in terms of focusing only on the Mexican border. We have to fix all our borders, not just the Mexican border.

So while I will be supporting this amendment, I also intend to offer another amendment that will address the other broken borders we have in our country because I think that is a way to be fair about it. It is the only way in which we will ultimately achieve the objective we have, which is dealing with the national security of the United States of America. You cannot have national security when you have broken borders.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I am very pleased that Senator GRAHAM and others have come together to increase and enhance our border security in this country. We all know in this Chamber we have tried very hard to reform our immigration system that we have on the books.

In fact, I have been very vocal saying I am for immigration reform. I think we need to do that. But so far we have not been able to get that done in the Senate. I believe, honestly, we need more involvement with the White House in trying to get that done.

But regardless of that, today one of the things that came through to me loudly and clearly from the people in Arkansas is we need to secure our border. People do not want to wait 2 years, 3 years, 5 years, whatever it may be, to have border security; they want us to start working on that now.

That is what we are trying to accomplish with this amendment today. Again, I am very pleased that Senator GRAHAM, a true South Carolina conservative Member of this body, someone whom we all respect, someone who, even though he has impeccable conservative and Republican credentials, is willing to reach across the aisle to work with others to try to get good things done for his State and for our country. He and Senator CORNYN of Texas and many others have worked on this issue. I am very pleased to be part of a bipartisan solution on border security.

One of the things I like about this legislation is it adds $3 billion for border security. That means we will get 23,000 additional full-time border agents, we will get new border-monitoring technology, we will get 300 miles of vehicle barriers, we will get 700 miles of fence. That is funded by this amendment. We will get 105 radar and camera towers, and we will get resources to detain an additional 45,000 illegal immigrations who are in this country right now.

It also includes money to help with some internal matters in this country, to help do some processing and look at employee issues and employer issues, et cetera.

This is a good amendment. I think one of the things I heard loudly and clearly from the immigration debates we had on the Senate floor was people in Arkansas want us to secure the border first, let's enforce the laws we have on the books. They have been on the books for a long time, and we have not done a very good job of enforcing those laws.

When I say ''we,'' I mean the administration. The will to try to enforce the laws we have on the books has not been there. I am not trying to point fingers. It is not only this administration; we can go back for a couple of decades.

Regardless of that, I am not trying to point fingers. Right now I want to look forward. I want to add to this amendment an additional $3 billion for border enforcement to enhance this Nation's security.

I encourage my colleagues to look at this, give it very strong consideration, and support this amendment. It is bipartisan. We have a number of Senators who were on it originally, a number more have been added as we go today. So I would, in closing, recommend to my colleagues that they give this very strong consideration. It will allow us to enforce the laws we have on the books, it allows us to enhance our border security in very real and very meaningful ways. I think it is what the American public wants.

I yield the floor and suggest the absence of a quorum and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise to speak on the border security amendment No. 2480. As the immigration bill came to a close, there was one thing that was very clear—there was unanimity and support for the issue of border security. The issue of protecting our border is one we all understand. The American people understand. It needs to be done. That was one of the many things that was in that bill that was undone that needed doing.

I believe today we do a great thing by moving this issue forward. We have a great threat of terrorism, the continued flow of illegal immigrants. We need to do all we can to secure our border.

This amendment will provide an increase in resources to improve our security by building our physical presence and surveillance on the border itself. It requires within 2 years of enactment that we secure operational control over the southern border between the United States and Mexico, and it allows the Border Patrol and U.S. Customs to hire and train and report for duty 23,000 full-time agents. I believe this is a step in the right direction. The United States, in addition to that, will deploy four unmanned aerial vehicles. These are essential for electronic surveillance in order to fully protect our southern border. In addition, the U.S. shall engage in the catch and return of illegal aliens. We know that a great many of those who are here illegally have simply overstayed their visas. This also permits interior enforcement in order to be able to be successful in implementing strong border and interior enforcement. Ninety days from enactment of this bill and every 90 days thereafter, the administration shall report to Congress on the progress. If the progress isn't on track, the report will include specific recommendations for fixing the problem. That is essential because for too long we have known we had a problem. We have thrown money at the problem, and the solutions have not always been what we wanted. Regardless of our position on the issue of immigration, all of us can coalesce around the idea that border security is essential to the rights of a sovereign nation. The deployment of additional border agents, the end of catch and release, the provision of additional space in beds, interior enforcement to ensure we can begin to move forward to ensure those who have overstayed their visas, we understand how that happens and we keep track of that, and not allow them to occur. It is all part of what we need to do in order to ensure we have a safe and secure country.

Giving the American people the security and understanding that the Government is serious about border enforcement and about interior security, we then will be able to move forward with phases of the immigration reform act that did not come to pass. There was a lack of credibility that our Government has with the people with respect to our seriousness of purpose in border enforcement. This amendment is a step forward. We are putting the dollars that it needs, in addition to the specific direction it ought to have, as well to ensure that we will have the kind of border security all Americans expect and want so that we can then move forward with the other phases of immigration reform that are so desperately needed.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The President pro tempore is recognized.

Mr. BYRD. I thank the Chair.

Mr. President, the Senate yesterday attempted to add $3 billion in emergency spending to secure our borders. I supported that effort. Unfortunately, rather than voting on the substance of the amendment, it was necessary for the Senate to vote on a procedural matter. In order to provide for the orderly processing of appropriations bills in the Senate, it was essential to vote to sustain the ruling of the Chair under rule XVI. However, I still believe it is important that we not miss this opportunity to provide robust funding to secure our borders and to enforce our immigration law. Therefore, I support the amendment providing $3 billion—that is $3 for every minute since Jesus Christ was born—get that, hear me, $3 for every minute since Jesus Christ was born—in emergency spending to hire, train, and equip Border Patrol agents and immigration enforcement officials, procure additional detention beds, expand our immigration enforcement efforts on the interior, construct border fencing infrastructure, and technology, and other steps to secure our borders.

This $3 billion will not be encumbered by controversial legislative and policy issues. Instead, it will be used in support of already authorized activities such as hiring Border Patrol agents, building fencing and other border technology, and enforcing the immigration laws already on the books.

Specifically, this amendment will hire, train, and equip at least 5,000 new Border Patrol agents, in addition to the 3,000 new agents funded in the underlying bill. It will procure more than 4,000 additional detention beds, in addition to the 4,000 new beds funded in the underlying bill. It will hire more than 1,000 new immigration investigators and detention and removal personnel to perform interior enforcement activities such as expanding the work site enforcement investigation. It will increase the number of Criminal Alien Program and Fugitive Operations teams to locate and remove the over 630,000 fugitive alien absconders whom a judge has already ordered to be removed. It provides an additional $1 billion for border fencing, infrastructure, and technology.

Finally, it provides funds to procure additional helicopters, fixed-wing aircraft, marine vessels, and other border surveillance equipment, as well as funds to construct additional border stations in which our Border Patrol agents work. This amendment is balanced, and it is focused on meeting the immediate border security needs while enforcing our current immigration law.

I urge my colleagues on my left and my colleagues on my right to support the amendment.

I thank all Senators, and I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAHAM. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I understand Senator SESSIONS wishes to speak. He is on the way. As soon as he gets here, we will gladly yield back any time that is remaining. I wish to make a couple comments about the amendment.

No. 1, in terms of spending, it is one of those situations where the country finds itself in an emergency that maybe shouldn't have been an emergency to begin with because we have neglected our border security obligations.

I ask unanimous consent to add Senators SPECTER, COLEMAN, and LINCOLN as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. We are where we are as a nation. We have a porous border. Every time a supplemental bill comes through on Iraq, it gets the votes from this body that it needs to become law, because all of us understand, whether we disagree with the policies in Iraq, that once the soldiers and warfighters are there, our troops are there, there are certain things that have to flow from their presence, and we designate a lot of money for the Iraqi operation as emergency spending; I believe rightfully so.

Well, I would argue to anybody, Republican or Democrat, that one of the big chinks in our national security armor is a porous border between the United States and Mexico, and this $3 billion will really help in a serious way. It is serious money to deal with a serious problem that is truly an emergency. It will add more boots on the

ground. It will add agents for there to be a total of 23,000 border security agents on the border, which is a tremendous increase over what we have now. I think it is like 13,000 or 14,000.

But the technology in this bill will be a force multiplier. The technology we spend money to secure will allow the force in place to be multiplied by a factor of many because the technology literally leverages the boots on the ground in a tremendous way.

The 45,000 additional bedspaces will stop a program that is really the wrong message to send—catch and release: We catch you. We release you back. You come again. Now we have bedspace to detain people to make sure they do not flee, and they are deported for coming across the borders illegally.

It is an effort to basically deal with a problem that has been a long time in the making. There is money that will have a beneficial consequence to securing our borders. The term ''operational control'' is a military term. I look at this effort to secure our borders in many ways as a military operation.

I hope this amendment gets a strong bipartisan vote. I understand Senator VOINOVICH's concern about the emergency designation in spending money offline, but this is one of those times I think it is justified.

To the administration, I understand your concerns about spending, but you have sent hundreds of millions of dollars in requests over—billions of dollars—to the Congress to make sure we have the money necessary to secure Iraq for our troops' point of view. Now it is time to spend $3 billion to secure our borders here at home.

I hope the body will understand this is a step forward. It does not solve the problem. We still have a magnet of employment that has to be dealt with. We need a temporary worker program. We need a lot of things this amendment does not cover. But this is a great start in providing operational security to a porous border that in the age of terrorism is really not only an emergency but a national disgrace.

I hope the taxpayers at large will see this as a serious effort to do something about a problem which has huge consequences over time if left unaddressed. So I appreciate Senator REID working with us and Senator CORNYN making it better and my good friend from Arkansas, Senator PRYOR, for helping us move the ball down the road.

If this bill ever gets to conference, which I hope it will, I hope this provision is left standing as is because if there is a retreat from this, from the money, and from the designations in this amendment, I think it would be considered a retreat in terms of regaining operational control of our borders.

So with that, I believe Senator PRYOR wishes to be recognized.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator BYRD as a cosponsor to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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 unanimous consent that I be added as a cosponsor to the Graham-Pryor amendment, which is currently the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The senior Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time in the quorum call be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The 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. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise in support of the Graham amendment to the Homeland Security appropriations bill. This is an issue which has been with us for years now, an issue of border security which we simply, as a group of policymakers, have not addressed in the right way. That became pretty obvious during our debate on the immigration bill several weeks ago. All of us heard from our constituents back home that while overall immigration reform may be needed in due course, what we need to do immediately is to take action to make sure our borders are, in fact, actually secure. That is the first step in real immigration reform.

Senator ISAKSON and I sent a letter to the administration imploring them to take action on this issue. We have asked the administration to send an emergency supplemental to the Senate and the House requesting that certain measures to secure our borders be enacted and adequately funded.

What Senator GRAHAM has done with this amendment is a step in the right direction toward ensuring that our borders—particularly our border to the south—are made secure.

I am a little bit disappointed we cannot go any further because what Senator ISAKSON and I have asked the administration to do in its supplemental request to this body would be to include the creation of a biometric identification card so all of those folks who cross the border in a legal way would have that identification card and any employer who sought to hire any of those individuals would know that they are here legally. If you hired them otherwise, it would be at your own peril.

There are some technical reasons why Senator GRAHAM could not add that provision in here. It is going to require more money, No. 1, plus some other issues regarding the rules of this body. So I am hopeful that there are some additional measures we will take up after we, hopefully, adopt this amendment overwhelmingly, get this bill into conference, out of conference, and on the desk of the President.

So I applaud my colleague from South Carolina, as well as Senator PRYOR, who I know has worked very hard on this particular measure. This amendment does many of the things Senator ISAKSON and I have asked for, and we are very hopeful this will get to the desk of the President immediately. This will answer one of those questions a lot of us heard during the immigration debate from our constituents; that is, why don't you enforce the laws that are on the books today? Well, here is the answer: We do not have the money to do it. This will give us the money to do some of those things.

So I urge all of my colleagues to look very favorably on this amendment. Let's take the first right step to secure the borders. Then we can come back and deal with the overall remaining immigration issues that are outstanding.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I ask unanimous consent that Senators LINCOLN, BAUCUS, and WEBB be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I think the Senator from New Hampshire and the Senator from Alabama would like to speak. We have until 11:35.

I ask the Senator from New Hampshire, would you like 5 minutes?

Mr. GREGG. Thank you.

Mr. GRAHAM. To be followed by the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama and the Senator from New Hampshire have a total of 7 minutes 40 seconds.

Mr. GRAHAM. Mr. President, I ask unanimous consent that it be evenly divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Hampshire.

Mr. GREGG. Mr. President, I congratulate the Senator from South Carolina for reaching this understanding on how to proceed relative to making sure our borders are secure.

The language in this amendment, which adds a significant amount of money to support the expansion of the boots on the ground and the technology on the border, is critical to the

first step—which has been related here by a number of individuals—of securing the border as part of our effort to get comprehensive immigration reform.

I think we all understand the American people are asking the question, Why isn't the border secure? This has been an effort that has been ongoing for a number of years now, to make the border secure. But this amendment we are taking up now would be the final downpayment on what is necessary to accomplish that goal.

We know what we need in order to secure the border. It is more border agents, it is more physical fencing but a lot more virtual fencing, it is more detention beds, and it is more ICE agents. It is also necessary to have in place the law these individuals need in order to enforce the border and pursue people who come into this country illegally and who may be inappropriately here and who are committing crimes here. Unfortunately, that language was not included in this amendment. That language was stripped out yesterday. But still, getting the resources in place in order to support the border is the first critical step, and this bill does that.

I have been working on this issue for a long time, both as past chairman of the Homeland Security Appropriations Subcommittee and as past chairman of the Commerce, State, Justice Appropriations Subcommittee in the Appropriations Committee, as have Senator COCHRAN and Senator BYRD. There has been a strong commitment on the part of the Appropriations Committee to accomplish these goals. But there has always been additional resources needed in order to fully fund border security. Now, with this amendment, we will actually put in place those additional resources.

I congratulate the Senator from South Carolina for bringing this process to closure. I congratulate the majority leader for reaching a consensus here that could be bipartisan. As Senator MCCONNELL said last night, this is a positive, bipartisan effort to try to step forward on one of the most critical issues we have as a nation, which is making sure the people who come into this country come into the country legally.

So it is the end of a long road, quite honestly, relative to the responsibility of Congress. We will now have put in place the necessary resources to secure the border. The question now becomes whether those resources will be effectively used. Certainly, we will have to use all our oversight capability to ensure that occurs, but at least we have addressed our responsibility of making sure the funds are there to support the necessary additional boots on the ground, the additional expansion of security along the border in the form of virtual fencing and in the form of physical fencing, and the additional detention beds necessary to make sure that when someone is apprehended for coming into the country illegally, they are not simply set off on their own recognizance to appear in court someday but are actually restrained in a place so they can be returned back to the nation they came from in an orderly manner, which is critical.

So this is a good bill and good language. I am glad we are making this progress on it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, the requirements of fencing, additional Border Patrol agents, bedspaces for those who have been detained who come here illegally are not there as an end in themselves. Our goal—our real goal—must be to create a change in the mindset of what is happening at the border, to reach that tipping point in which the world knows our borders are not wide open, that it is exceedingly difficult to penetrate them illegally and they are unlikely to be successful. As a result, we can move from the current situation—in which over a million people last year were arrested coming into our country illegally—and see those numbers drop off, to reach that tipping point, where the world knows that border is not open.

We have talked about it for all the 10 years since I have been in the Senate. Presidents have talked about it. They have campaigned on it. Members have talked about it. But we have not done anything about it. That is why the American people are not happy with us.

So I think this legislation will do some things of significance. It will fund 700 miles at the border and complete that process. Why it has taken as long as it has I am not sure, but work is being done right now, although not a lot has been accomplished so far. I am told that pretty soon we will see the fencing come up that we have authorized and that the work is continuing on. So it will be 700 miles. That is really progress, I have to say, but it is not the final installment. We are going to have to do more in the years to come. It is actual fencing, plus virtual fencing also.

So I am pleased we have made a concrete step forward with this funding. It will allow us, if the executive branch uses it wisely, to transform in a significant way the open border system we now have to a lawful system. That would be good for America in terms of creating a lawful system of immigration, and it will be good for the people who send us their money and expect us to do what we promise to do and that we actually get serious about it and start taking steps in that direction.

With regard to fencing, other countries use fencing significantly. Spain is constructing quite a lot of fencing on their African border. Other countries are doing so in the EU. Hong Kong has a border situation that they have dealt with through fencing. It is not anything unusual. It is the normal course when you have a wide open border because what happens is, a fence will multiply many times the effectiveness of a Border Patrol officer.

I ask my colleagues how you would be able to control hundreds of miles of border if you are just standing out there by yourself. If the person trying to come in knows they have to cross a fence, they will have a much harder time and be much easier to apprehend.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SESSIONS. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. PRYOR. Mr. President, I would like to pick up on some of the comments my colleagues on the Republican side have made on this amendment. One of the things Senator SESSIONS just mentioned is that this is a concrete proposal. I know he didn't intend the play on words, but this is concrete. We are talking about adding real border enforcement. It is real. It is bricks and mortar. It is physical barriers. It will definitely slow the influx of people coming into this country who are not playing by the rules.

Again, I want to thank my colleagues, both Democrats and Republicans. We have been adding cosponsors this morning to this legislation. I want to thank all of my colleagues who participated. I need to give a special thanks to Senator HARRY REID who helped pull this amendment together. To put $3 billion on border enforcement on the Homeland Security appropriations makes perfect sense. It makes perfect sense in terms of good government, and it makes perfect sense to the people all across this Nation.

One of the messages I heard loudly and clearly during the immigration debate which we finished a few weeks ago is, people want more border enforcement. They want the U.S. Government to secure our border. There is no doubt about that; this is something the Federal Government has failed to do or has been pretty lax in trying to do over the last several years. Again, this didn't start with the Bush administration. I think it has probably gotten worse during this time, but it goes back several administrations. I am not here to point fingers today.

By voting for this amendment today, Senators would add 23,000 additional full-time border agents. We would add new border monitoring technology. We would add 300 miles of vehicle barriers, 700 miles of fence, 105 radar and camera towers. We would add resources to detain 45,000 illegal immigrants.

So this is, as Senator SESSIONS said, a concrete step in the right direction. This is good public policy. I know we have broad bipartisan support for this legislation. I want to thank my colleagues for giving this strong consideration, and I ask that they look at this legislation before we vote in just a few minutes.

Before I sit down, I ask unanimous consent that Senator LANDRIEU and

Senator MCCASKILL be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I ask unanimous consent to add as cosponsors Senators ALEXANDER, DOLE, DOMENICI, and VITTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

Mr. SESSIONS. Would the Senator add me as a cosponsor?

Mr. GRAHAM. Absolutely. The Senator from Alabama, Mr. SESSIONS, and Senator COBURN from Oklahoma also.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I would like to thank my good friend from Arkansas. It has been a pleasure working with him and all of my colleagues. Senator GREGG has been working on this issue for many years. Senator CORNYN's addition to the amendment last night has made it far better. If no one else would like to speak——

Mr. PRYOR. Mr. President, I ask unanimous consent to add Senator FEINSTEIN as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired.

The question is on agreeing to the Graham amendment No. 2480.

Mrs. MURRAY. 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.

Mr. DURBIN. I announce that the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

I further announce that, if present and voting, the Senator from North Dakota (Mr. CONRAD), and the Senator from Oregon (Mr. WYDEN) would each vote ''yea.''

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 1, as follows:

[Rollcall Vote No. 278 Leg.]

YEAS—89

Akaka	Domenici	McCaskill
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Barrasso	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Isakson	Schumer
Cardin	Kennedy	Sessions
Carper	Kerry	Shelby
Casey	Klobuchar	Smith
Chambliss	Kohl	Snowe
Clinton	Kyl	Specter
Coburn	Landrieu	Stabenow
Cochran	Lautenberg	Sununu
Collins	Leahy	Tester
Corker	Levin	Thune
Cornyn	Lieberman	Vitter
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dole	Martinez	

NAYS—1

Voinovich

NOT VOTING—10

Brownback	Inouye	Stevens
Coleman	Johnson	Wyden
Conrad	McCain	
Dodd	Obama	

The amendment (No. 2480) was agreed to.

Mrs. MURRAY. 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 (Mr. TESTER). The Senator from Vermont is recognized.

SUBPOENAS ISSUED

Mr. LEAHY. Mr. President, today the Senate Judiciary Committee is issuing subpoenas to political operatives at the White House for documents and testimony related to the committee's ongoing investigation into the mass firings of U.S. attorneys and the politicization of hiring and firing within the Department of Justice. This is not a step I take lightly. For over 4 months I have exhausted every avenue seeking the voluntary cooperation of Karl Rove and J. Scott Jennings but to no avail. They and the White House have stonewalled every request. Indeed, the White House is choosing to withhold documents and is instructing witnesses who are former officials—not current officials but former officials—to refuse to answer questions and provide relevant information and documents.

We have now reached a point where accumulated evidence shows that political considerations factored into the unprecedented firing of at least nine U.S. attorneys last year. Testimony and documents show that the list was compiled based on input from the highest political ranks in the White House, including Mr. Rove and Mr. Jennings. And today I will subpoena Mr. Rove and Mr. Jennings. The evidence shows that senior officials were apparently focused on the political impact of Federal prosecutions and whether Federal prosecutors were doing enough to bring partisan voter fraud and corruption cases. It is obvious that the reasons given for these firings were contrived as part of a coverup and that the stonewalling by the White House is part and parcel of that same effort. Just this week, during his sworn testimony, Mr. Gonzales contrasted these firings with the replacement of other U.S. attorneys for ''legitimate cause.''

The White House has asserted blanket claims of executive privilege, despite testimony under oath and on the record that the President was not involved. The White House refuses to provide a factual basis for its blanket claims. The White House has instructed former White House officials not to testify about what they know and instructed Harriet Miers to refuse even to appear as required by a House Judiciary Committee subpoena. The White House has withheld relevant documents and instructed other witnesses not to produce relevant documents to the Congress but only to the White House.

Last week, the White House did much to substantiate the evidence that it is intent on reducing U.S. attorneys and Federal law enforcement to merely another partisan political aspect of its efforts when it dispatched an anonymous senior official to take the position that the U.S. attorney for the District of Columbia would not be permitted to follow the statutory mechanism to test White House assertions of executive privilege by prosecuting contempt of Congress. In essence, this White House asserts its claim of privilege is the final word, that Congress may not review it, that no court can review it and that this White House, unlike any White House in history, is above the law.

Two days ago, during an oversight hearing with Mr. Gonzales, the senior Senator from Pennsylvania, the ranking Republican on the Senate Judiciary Committee, rightly asked:

> Mr. Attorney General, do you think constitutional government in the United States can survive if the President has unilateral authority to reject congressional inquiries on grounds of executive privilege and the President then acts to bar the Congress from getting a judicial determination as to whether that executive privilege is properly invoked?

There can be no more conclusive demonstration of this administration's partisan intervention in Federal law enforcement than if this administration were to instruct the Justice Department not to pursue congressional contempt citations and intervene to prevent a U.S. attorney from fulfilling his sworn constitutional duty. In other words, telling the U.S. attorney: Violate your oath of office; don't carry out your sworn constitutional duty to faithfully execute the laws and proceed pursuant to section 194 of title 2 of the United States Code. The President recently abused the pardon power to forestall Scooter Libby from ever serving a

single day of his 30-month sentence for conviction before a jury on multiple counts of perjury, lying to a grand jury, and obstruction of justice. Stonewalling this congressional investigation is further demonstration that this administration refuses to abide by the rule of law.

This stonewalling is a dramatic break from the practices of every administration since World War II in responding to congressional oversight. In that time, Presidential advisers have testified before congressional committees 74 times voluntarily or compelled by subpoenas. During the Clinton administration, White House and administration advisers were routinely subpoenaed for documents or to appear before Congress. For example, in 1996 alone, the House Government Reform Committee issued at least 27 subpoenas to White House advisers. The veil of secrecy this administration has pulled over the White House is unprecedented and damaging to the tradition of open government by and for the people that has been a hallmark of the Republic.

The investigation into the firing for partisan purposes of U.S. attorneys, who had been appointed by this President, along with an ever-growing series of controversies and scandals have revealed an administration driven by a vision of an all-powerful Executive over our constitutional system of checks and balances, one that values loyalty over judgment, secrecy over openness, and ideology over competence.

What the White House stonewalling is preventing is conclusive evidence of who made the decisions to fire these Federal prosecutors. We know from the testimony that it was not the President. Everyone who has testified has said that he was not involved. None of the senior officials at the Department of Justice could testify how people were added to the list or the real reasons that people were included among the Federal prosecutors to be replaced. Indeed, the evidence we have been able to collect points to Karl Rove and the political operatives at the White House.

A former political director at the White House made a revealing admission in her recent testimony before the Senate Judiciary Committee when she refused to answer questions citing the oath she took to the President. In this constitutional democracy, the oath taken by public officials is to the Constitution, not any particular President of any particular party. The Constitution itself provides the oath of office of the President. Every President since George Washington has shown to ''preserve, protect and defend the Constitution of the United States.'' The oath for other Federal official is prescribed by Congress through statute and provides that every Federal officer's duty is not to support and defend any particular President or administration but ''to support and defend the Constitution of the United States'' and ''to bear true faith and allegiance'' to our founding principles and law.

Mr. BYRD. Mr. President, may we have order so that the Senator can be heard?

The PRESIDING OFFICER. May we have order? Take conversations outside the Chamber, please.

Mr. BYRD. I hope the Senator will say that again.

Mr. LEAHY. I will. The witness testified that she had taken an oath to the President. I reminded her the oath is to the Constitution, not to any particular President.

Mr. BYRD. Yes.

Mr. LEAHY. The distinguished Senator from West Virginia, the constitutional authority in this body, knows that every President since George Washington has sworn to preserve, protect, and defend the Constitution of the United States.

Mr. BYRD. Yes.

Mr. LEAHY. '' . . . to support and defend the Constitution of the United States'' and ''to bear truth fair and allegiance'' to our founding principles and law, not to a particular political party or to a President.

I pointed out to Ms. Taylor that the oath I have been privileged to take as a U.S. Senator is likewise to the Constitution. I proudly represent the people of Vermont. I know it is a privilege to serve as a temporary steward of the Constitution and the values and protections for the rights and liberties of the American people that it embodies. My oath is not to a political party and not even to the great institution of the U.S. Senate but to the Constitution and the rule of law. As a former prosecutor, I feel strongly that independent law enforcement is an essential component of our democratic government, and that no one is above the law.

Despite the constitutional duty of all members of the executive branch to ''take Care that the Laws be faithfully executed,'' the message from this White House is that the President, Vice President, and their loyal aides are above the law. No check. No balance. No accountability.

The law says otherwise. The criminal contempt statute, 2 U.S.C. § 194, provides that if a House of Congress certifies a contempt citation, the U.S. attorney to whom it is sent has a ''duty'' and ''shall'' ''bring it before the grand jury for its action.'' For this White House to threaten to intervene in an effort to preempt further investigation, cover up the truth and avoid accountability is an insult to the rule of law. This law was duly passed by both Houses of Congress and signed by a duly elected President of the United States. It is derived from law that has been on the books since 1857, for 150 years.

The Bush-Cheney White House continues to place great strains on our constitutional system of checks and balances. Not since the darkest days of the Nixon administration have we seen efforts to corrupt federal law enforcement for partisan political gain and such efforts to avoid accountability.

Given the stonewalling by this White House, the American people are left to wonder: What is it that the White House is so desperate to hide? As more and more stories leak out about the involvement of Karl Rove and his political team in political briefings of what should be nonpartisan government offices, I think we have a better sense of what they are trying to hide. We have learned of political briefings at over 20 government agencies, including briefings attended by Justice Department officials. This week, the news was that Mr. Rove briefed diplomats on vulnerable Democratic districts before midterm elections. Why, Senator WHITEHOUSE properly asked at our hearing yesterday, were members of our foreign service being briefed on domestic political contests? Mr. Gonzales had no answer. Similarly, why were political operatives giving such briefings to the Government Services Administration, which rents government property and buys supplies? In her testimony before the Senate Judiciary Committee, the former political director at the White House ultimately had to concede that her briefings included specific political races and particular candidates being targeted.

In this context, is anyone surprised that the evidence in our investigation of the firings of U.S. attorneys for political purposes points to Mr. Rove and his political operations in the White House? Despite the initial White House denials, Mr. Rove's involvement in these firings is indicated by the Department of Justice documents we have obtained and from the testimony of high-ranking Department officials. This evidence shows that he was involved from the beginning in plans to remove U.S. attorneys. E-mails show that Mr. Rove initiated inquiries at least by the beginning of 2005 as to how to proceed regarding the dismissal and replacement of U.S. attorneys. The evidence also shows that he raised political concerns, including those of New Mexico Republican leaders, about New Mexico U.S. Attorney David Iglesias that may have led to his dismissal. He was fired a few weeks after Mr. Rove complained to the Attorney General about the lack of purported ''voter fraud'' enforcement cases in his jurisdiction.

We have learned that Mr. Rove raised similar concerns with the Attorney General about prosecutors not aggressively pursuing voter fraud cases in several districts and that prior to the 2006 mid-term election he sent the Attorney General's chief of staff a packet of information containing a 30-page report concerning voting in Wisconsin in 2004. This evidence points to his role and the role of those in his office in removing or trying to remove prosecutors not considered sufficiently loyal to Republican electoral prospects. Such manipulation shows corruption of Federal law enforcement for partisan political purposes.

Documents and testimony also show that Mr. Rove had a role in the shaping the administration's response to congressional inquiries into these dismissals, which led to inaccurate and misleading testimony to Congress and statements to the public. This response included an attempt to cover up the role that he and other White House officials played in the firings.

Despite the stonewalling and obstruction, we have learned that Todd Graves, U.S. attorney in the Western District of Missouri, was fired after he expressed reservations about a lawsuit that would have stripped many African-American voters from the rolls in Missouri. When the Attorney General replaced Mr. Graves with Bradley Schlozman, the person pushing the lawsuit, that case was filed and ultimately thrown out of court. Once in place in Missouri though, Mr. Schlozman also brought indictments on the eve of a closely contested election, despite the Justice Department policy not to do so. This is what happens when a responsible prosecutor is replaced by a ''loyal Bushie'' for partisan, political purposes.

Mr. Schlozman also bragged about hiring ideological soulmates. Monica Goodling likewise admitted ''crossing the line'' when she used a political litmus test for career prosecutors and immigration judges. Rather than keep Federal law enforcement above politics, this administration is more intent on placing its actions above the law.

The Senator from Washington has been very good to let me have this time. With our service of these subpoenas, I hope that the White House takes this opportunity to reconsider its blanket claim of executive privilege, especially in light of the testimony that President was not involved in the dismissals of these U.S. attorneys. I hope that the White House steps back from this constitutional crisis of its own making so that we can begin to repair the damage done by its untoward interference with federal law enforcement. That interference has threatened our elections and seriously undercut the American people's confidence in the independence and evenhandedness of law enforcement. Mr. Rove and the White House must not be allowed to continue manipulating our justice system to pursue a partisan political agenda. Apparently, this White House would rather precipitate an unnecessary constitutional confrontation than do what every other administration has done and find an accommodation with the Congress. If there are any cooler or wiser heads at the White House, I urge them to reconsider the course they have chosen.

There is a cloud over this White House and a gathering storm. I hope they will reconsider their course and end their cover up so that we can move forward together to repair the damage done to the Department of Justice and the American people's trust and confidence in Federal law enforcement.

Mr. MCCONNELL addressed the Chair.

Mr. CONRAD. Mr. President, on a matter of personal privilege.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. I ask for one moment, I say to the leader.

EXPLANATION FOR NOT VOTING

Mr. CONRAD. Mr. President, I want to indicate that on the last vote, Senator WYDEN and I were in the Budget Committee on the confirmation hearing of Mr. Nussle. We called over to ask that the vote be held so that we could come to the floor and cast our votes. If I had been here, my vote would have been ''yea'' on the Graham amendment. I want the RECORD to reflect that fact. Senator WYDEN should also be recognized for a similar purpose.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, on a matter of personal privilege, I associate myself with the remarks of Senator CONRAD. I will be very brief.

We were in the middle of critical issues. I was asking about a program that is a lifeline to the rural West, the county payments program where the administration is trying to change 100 years of history, and on a bipartisan basis the Senate indicated it wants to oppose that program.

Had I been here, I would have, as Senator CONRAD, voted for that measure, strongly supporting efforts to strengthen border security.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that I be able to proceed for a few moments as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia objects?

Mr. BYRD. Mr. President, will the distinguished Senator yield just for a second? The Senator said ''for a few moments.'' How long is that?

Mr. MCCONNELL. Probably about 5 minutes.

Mr. BYRD. That is fine. I have no objection.

The PRESIDING OFFICER. The Republican leader.

CONDOLENCES TO SENATOR NORM COLEMAN AND FAMILY

Mr. MCCONNELL. Mr. President, let me notify all Members of the Senate that Senator NORM COLEMAN's father passed away this morning. Therefore, he missed the vote that we just had and will be missing votes for the remainder of this week. I know I speak for all Members of the Senate in sending our condolences to Senator COLEMAN and his family at this very sad time. We look forward to having him back in the Senate in due time.

NOMINATION OF JUDGE LESLIE SOUTHWICK

Mr. MCCONNELL. Mr. President, I wish to make a few observations about the nomination of Judge Leslie Southwick to the Fifth Circuit Court of Appeals. Over the past few days, members of the Democratic leadership have commented about Judge Southwick's nomination. These comments have, in my view, mischaracterized his record and his service to the people of his State. Worse still, some of our Democratic colleagues have made insinuations about the commitment of this fine man to the principle of equal justice for all. These gross insinuations are, of course, at odds with the views of his peers and his home State Senators, both of whom actually know him.

So over the next several days, we will continue to set the record straight, as the ranking member did so ably yesterday, to ensure that the Senate does not treat dishonorably an honorable man, a fine judge, and a courageous war veteran. Judge Southwick deserves more from this country than insinuation and innuendo. This leads me to a much broader point.

My friend, the majority leader, and I have an understanding—at least I believe we had an understanding—as to how this Senate would treat judicial nominees in general. A fundamental component of that understanding is that individual nominees will be treated fairly. That commitment to fair treatment may be in serious jeopardy with the Southwick nomination.

I remind my colleagues that the Judiciary Committee unanimously approved Judge Southwick for a lifetime appointment to the district court just last fall, but it is now threatening to kill his nomination on a party-line vote in committee. The only material change in Judge Southwick's qualifications between last fall and now is the rating of the American Bar Association, the Democrats' gold standard for judicial nominees. The ABA has actually increased its rating of Judge Southwick. In other words, they have given him a higher rating for the circuit court than for the district court. Judge Southwick was rated ''well qualified'' for the district court. He is now rated ''unanimously well qualified,'' which means every single member of the committee who took a look at his credentials for the circuit court found Judge Southwick well qualified. That is the highest possible rating one can achieve for a judicial nomination from the American Bar Association.

It goes without saying that for committee Democrats to oppose Judge Southwick for the circuit court after having supported him for the district without any change in the man's record would certainly fall far short of treating the man fairly.

I encourage my Democratic colleagues to think hard about the implications of unfair treatment for Judge Southwick for this Congress and, for that matter, for future Congresses.

I thank the Chair, and I yield the floor.

Mr. COCHRAN. 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. VITTER. 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. 2488 TO AMENDMENT NO. 2383

Mr. VITTER. Mr. President, I ask unanimous consent to set aside the pending amendment so that my amendment at the desk may be called up, amendment No. 2488.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Mr. VITTER], for himself, Mr. NELSON of Florida, and Ms. STABENOW, proposes an amendment numbered 2488 to amendment No. 2383.

Mr. VITTER. 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 prohibit U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(B) only imports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

AMENDMENT NO. 2496 TO AMENDMENT NO. 2488

Mr. COCHRAN. Mr. President, I send an amendment to the desk and ask it be reported on behalf of myself and Mr. BYRD.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. BYRD, proposes an amendment numbered 2496 to amendment No. 2488.

Mr. COCHRAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter propoed to be inserted, insert the following:

None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: *Provided*, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: *Provided further*, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, simply so I can understand the posture we are in and the nature of this amendment, 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. BYRD. 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. BYRD. Mr. President, Senator LANDRIEU joined me in including important language in the Senate report that accompanies the Homeland Security Appropriations Act for Fiscal Year 2008. This language addresses a serious trade problem that is affecting the United States and many of its most critical industries. Our report language directs U.S. Customs and Border Protection to undertake a more vigorous approach to collecting unpaid antidumping and countervailing duties which are owed the United States under the U.S. trade laws.

In our report language, the Appropriations Committee directs CBP to work with the Departments of Commerce and Treasury and the Office of the U.S. Trade Representative to increase the collection of duties owed on unfairly traded U.S. imports. CBP—Customs and Border Protection—is directed to provide an annual report to the committee within 30 days of each year's distributions under the Continued Dumping and Subsidies Offset Act. The CBP report must summarize the Agency's efforts to collect past-due amounts and to increase current collections, particularly with respect to cases involving unfairly traded U.S. imports from China.

The Continued Dumping and Subsidy Act—also known as the Byrd amendment—was enacted on October 28 in the year of our Lord 2000. It provides that assessed duties received pursuant to either an antidumping or a countervailing duty order must be distributed by Customs to affected domestic producers for certain expenditures that the producers incurred after the order was put in place.

On June 4, 2007, CBP transmitted to Congress a fiscal year 2006 report on annual antidumping and countervailing duties collected on a case-by-case basis. The report stated that while CBP distributed nearly $400 million to more than 1,700 affected domestic producers in fiscal year 2006, a whopping—hear me—a whopping $146,391,239.89 was due but never—never—collected. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since 2000 is approaching $700 million.

Let me read that again. Hear me now. Astoundingly, the amount of uncollected antidumping and countervailing duties not collected since the year 2000 is approaching $700 million, with the largest uncollected amount, over $400 million, owed in a single case: dumped crawfish tail meat from China.

On June 20, 2007, CBP advised that, since October 1, 2001, CBP has simply ''written off'' $30.3 million in uncollected antidumping and countervailing duties. The greatest amount written off, again, was in the case of crawfish meat from China, where CBP wrote off nearly $7.5 million. That is a lot of money. This is money that otherwise would have been distributed directly to eligible U.S. crawfish producers. This means these funds will never be distributed to the hundreds of deserving American families to whom they are owed. What a shame.

Have Senators heard of Moon Landrieu? That was this Senator's father, Senator LANDRIEU. I would like to ask my esteemed colleague from Louisiana, Senator LANDRIEU, if she is similarly concerned about our Government's failure to collect these funds, recompense which is now lost—to whom? To Louisiana's honest and hardworking crawfish farmers and processors.

Ms. LANDRIEU. I thank Senator BYRD, because I am extremely concerned about this situation and hope we could find a remedy. I commend the Senator for his work over many years, to try to make sure our trade laws are fairly enforced and that agreements we have entered into, with countries such as China and others, are followed. But in this instance, as the Senator has so eloquently stated in this discussion this morning on the floor, this situation is not being handled correctly. Our industries, particularly in Louisiana, that he has mentioned, our crawfish producers have lost more money from the failure of U.S. importers to pay duties owed by China than any industry in our Nation. In Louisiana alone—I know it might be hard for people to believe this, but as spring rolls around, it will become quite evident—we have 3,300 crawfish farmers in our State and over 40 processors who employ a tremendous number of people and contribute hundreds of millions of dollars to our economy. The Senator from West Virginia understands our Government has failed to collect almost $70 million for this industry alone. This is antidumping duties on crawfish tail meat from China owed to the processors in my State and to our crawfish

farmers. There are additional funds that are owed.

It is my understanding—and the Senator from West Virginia is very aware—that our Customs officials are required to collect these duties, but they are not being collected. Many of these importers simply close up shop, they change their names, they move offshore, they reorganize, and evidently we are not able to collect the money that is owed to us. It is a great detriment to this particular industry and to others.

I have expressed concern over the years. We are going to continue to press this issue. We will continue in Congress to work to solve this problem. I feel very strongly that our U.S. Secretary of Commerce, Secretary Gutierrez, and the U.S. Trade Ambassador, Susan Schwab, should take this up directly with the China Ministry of Foreign Trade and Economic Cooperation. China sought to become a WTO member. It is my firm belief, if China wants to receive the benefits that accrue to them through WTO, they should enforce them and help us, and we should do a better job of making sure the importers abide by the rules we have agreed to.

I was very pleased to see in response to concerns raised by the Senate, GAO recently announced it has begun an in-depth investigation as to why our Government cannot seem to collect duties owed to U.S. industries on goods imported from China.

Since 2003, the total amount of uncollected duties on all antidumping countervailing duty orders for all countries totaled $630 million. Of this amount, $485 million, or 77 percent of the total, relates to 34 specific antidumping and countervailing duty orders that have been imposed by the United States on agriculture and aquacultural imports from all countries. Of that $485 million, 73 percent relate to six antidumping orders that have been imposed on U.S. agricultural and aquacultural imports from China alone.

While the biggest duty noncollection problem in my State relates to the crawfish industry, as the Senator from West Virginia most certainly knows, Louisiana also is experiencing a problem with our catfish farmers. I see the senior Senator from Mississippi. This affects Mississippi, it affects Arkansas, it affects Alabama. We were unable to collect almost one-third of the fees that are owed to our catfish farmers.

These are hard-working businesspeople who work long hours, who are trying to run these industries and abide by all environmental regulations, pay their taxes, abide by all the wage and hour laws in this country. When we enter into trade agreements, the least our Government can do is enforce them. That is what I come to the floor to express my concern about, through this colloquy with the distinguished Senator from West Virginia.

I commend the Senator for his tireless work. We are going to press on this issue of noncollection. I hope, even if this Subsidy Offset Act expires, our Government will continue to collect the money that is owed to us during the time this act was in effect. It means a great deal to the small businesses in my State, to crawfishers and catfish producers equally. I am hoping we can make some progress and do not continue to have our trade laws undermined in this way.

I thank the Senator for this time on the floor and I thank him for his continued work on this issue.

The PRESIDING OFFICER. The Senator from North Dakota.

AMENDMENT NO. 2505 TO AMENDMENT NO. 2468

Mr. DORGAN. Mr. President, I ask for the regular order. I send an amendment to the desk.

Mr. VITTER. I object.

The PRESIDING OFFICER. Amendment No. 2468 is pending. The clerk will report.

Mr. COCHRAN. I make a point of order.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. CONRAD, proposes an amendment numbered 2505 to amendment No. 2468.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: Relating to bringing Osama bin Laden and other leaders of al Qaeda to justice)

At the end of the amendment, add the following:

SEC. 536. (a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall authorize a reward of $50,000,000 for the capture or killing, or information leading to the capture or death, of Osama bin Laden.''.

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

Mr. COCHRAN. Mr. President, point of order. What is the pending business before the Senate?

The PRESIDING OFFICER. The Landrieu amendment, No. 2468, with the Dorgan second degree.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I have sent a second-degree amendment to the desk to the Landrieu amendment. My second degree will not strike her amendment. As a matter of fact, it will add at the end of her amendment the provisions of an amendment I had offered on Defense authorization. I am to chair the Democratic Policy Committee luncheon in a few minutes so I am not able to speak at length about this amendment. I intend to do that at some later point.

I wish to mention what Senator LANDRIEU has described in her first-degree amendment, the interest in having as our major policy goal here with respect to the fight against terrorism, the destruction of and elimination of the leadership of al-Qaida, Osama bin Laden. My amendment is one I had offered, as I said, to the Defense authorization bill, previously. It is an amendment that requires a quarterly classified report to be offered to the Congress that would tell us what is being done to bring to justice the leadership of al-Qaida.

The reason for offering that is quite simple. A week ago, we had a new National Intelligence Estimate, an NIE, given to the Congress in classified and unclassified form; an NIE that was reported to the American people. The reports were not particularly surprising but in some ways stunning. The report says the greatest terrorist threat to our homeland, in this country—the greatest terrorist threat to our homeland is al-Qaida and its leadership. It also says al-Qaida and its leadership is in a secure hideaway or safe harbor.

I ask the question for which there is no answer: Why, nearly 6 years after 9/11/2001, in which Osama bin Laden boasted about engineering the murder of thousands of innocent Americans—why, after 6 years, is there a safe harbor or secure hideaway anywhere on this planet for the leadership of al-Qaida and for Osama bin Laden? That, in my judgment, is a failure.

We have a lot of briefings in this Congress; some of them classified, top secret briefings. There are no briefings

that I am aware of on what is being done or what has not been done to bring to justice, to apprehend, and eliminate the leadership of al-Qaida. Those briefings do not exist. One of the reasons that perhaps we have not seen progress in bringing to justice and eliminating the leadership of al-Qaida is the President himself said: I don't think much about that. I don't think much, don't care much about Osama bin Laden.

If you believe the intelligence estimates, they are today planning additional attacks against this country. Yesterday, we woke up to the news that there are apparently dry runs, they think—our intelligence people think there are dry runs being made in our airports with various things packed in luggage by terrorists who want to do potential attacks later. We hear all these reports and the question remains: Why is it the leadership of the organization that poses the greatest terrorist threat to this country has a secure hideaway somewhere or a safe haven somewhere? There ought not be a square inch of ground on this planet that is safe for those who murdered Americans on 9/11, for those who pose the greatest threat to this country. That is intolerable.

The Defense authorization bill will come back to the floor of the Senate, I guess. This amendment I have offered is in that piece of legislation. But to make certain this amendment becomes law and gets to the desk of the President for signature, I have offered it to this appropriations bill. I understand it fits better on Defense authorization. My hope is that is where it will wind up on the President's desk.

It seems to me we went through agonizing debates and passionate debates on the floor of the Senate about the war in Iraq. I respect everybody's opinion on those issues. But while we have soldiers who got up this morning and strapped on body armor and got in humvees and then went and knocked door to door in Baghdad in the middle of a civil war, where Shias are killing Sunnis and Sunnis are killing Shias and Shias and Sunnis are both killing Americans—while that happened this morning in the middle of a civil war, we have the greatest terrorist threat to this country apparently in a safe harbor or secure hideaway. That ought not exist. First things first. Let's fight the terrorists first and defeat the terrorists first. That ought to be the first and most important priority and responsibility. If they are the greatest threat to this country, let's eliminate that threat. That ought to be the goal of this country. That is why I offer this amendment.

Mr. BYRD. Senator, tell the Senate about his amendment again. Let me hear about the amendment again.

Mr. DORGAN. Mr. President, this amendment has two parts to it. No. 1, it increases the reward for the elimination of the al-Qaida leadership and Osama bin Laden, and, No. 2, it required a quarterly classified report to be made to the Congress, every quarter, from this administration and from any administration, to say what they are doing, to tell us what they have been doing to try to apprehend and bring to justice and eliminate the leadership of the greatest terrorist threat to this country.

Is it too much to ask that we ought to be informed?

Mr. BYRD. No.

Mr. DORGAN. We ought to understand what is being done or what is not being done. I think the American people have a reason to ask the question: Why, nearly 6 years later, do we now read—and I have read it on a number of occasions in unclassified versions of classified reports that say—there is a secure hideaway for Osama bin Laden and the leadership of al-Qaida?

There is a secure hideaway. There is safe haven. Now, why should any place on this Earth be secure or safe for those who would attack this country?

Mr. BYRD. Where? Where? Where is that, Senator?

Mr. DORGAN. Well, the intelligence reports indicate that somewhere between Pakistan and Afghanistan, in the tribal-controlled mountainous regions, there is some sort of safe hideaway or secure hideaway or safe haven, as they call it. I have flown over this region. I have looked down, and I know there is no border. You cannot tell what country you are in. I have flown over the region that they call tribal-controlled between Afghanistan and Pakistan. There is no evidence of a country boundary. It is a tough country, tough region, I understand that.

But if we now have al-Qaida reconstituting and rebuilding training camps, which they are doing—they are recruiting new recruits, they are building training camps, they are planning attacks against the West, planning attacks against the United States of America, and doing so in a secure hideaway or safe haven—then I say that is wrong. It ought to be job No. 1 for this country to eliminate the leadership of al-Qaida that represents the greatest threat to our country.

That is the purpose of this amendment, to say we want that to be the overriding and overarching goal, and we want reports, classified reports every single quarter of what has been done or what has not been done because I do not believe, frankly, this has been a significant priority.

It certainly should have been. If it has not been in the past, at least let's make it so in the future.

Mr. BYRD. I compliment the Senator on his statement. Am I a cosponsor of this amendment?

Mr. DORGAN. I want to say that Senator CONRAD joins me in this amendment. I ask unanimous consent that Senator BYRD be added as a cosponsor as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. As I said, I have to chair the Democratic policy committee luncheon in just a moment. I wanted to make a comment on the amendments that have been offered, and perhaps after the policy committee luncheon, if these issues are still pending, I will be able to comment.

Senator VITTER has offered an amendment dealing with prescription drugs. Senator COCHRAN has second-degreed that amendment, as I understand it. I believe we ought to have access to lower priced prescription drugs, FDA-approved prescription drugs.

Lower priced prescription drugs exist in virtually every other country of the world. Why should the American consumer not have the capability to acquire them under our current rules? I would say that we already have a circumstance where we are allowed about a 90-day supply of drugs, if someone walks across the border or drives across and comes back with a personal use, 90-day supply. Very few Americans live close enough to the border to be able to do that. But we have an amendment that is a broad bipartisan amendment; 30-some Members of the Senate have worked on it, cosponsored it. This will not be the legislation in which we consider that amendment, I do not expect.

The amendment that Senator VITTER has offered, as second-degreed by Senator COCHRAN, would simply restate current rules; that is, currently what is allowed. It would simply restate current rules, which I assume offends no one but accomplishes nothing as well.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, it is my understanding there are 11 amendments pending on this bill. There are points of order that lie against several of them. And the managers will make those whenever they see fit. I hope that those people who have other amendments pending would agree to short time agreements on them and accept a time for voting. Maybe the managers can even accept some of them.

This is a bill we want to finish today. It is an important piece of legislation. It has been improved in many different ways, not the least of which is this border security legislation that was passed earlier today. So I hope that Democrats and Republicans who offered these amendments will contact the managers and agree on a reasonable period of time so we can vote. It is 1 o'clock in the afternoon. It is important we do this.

I do not want to sound like a stuck record, but we have to finish this legislation before we go home in August. We have to finish the SCHIP bill before we go home in August. We have a 9/11 conference report we have to finish before we go home in August. We have the ethics and lobbying reform we have to finish before we go home in August. We are going to do that.

Everybody should understand—and, of course, I mentioned on the floor about the bill that Senators Boxer and

Inhofe have worked on dealing with WRDA, which is so important to the whole country, but certainly important to the western part of the United States.

Mr. DORGAN. Would the Senator yield for a question?

Mr. REID. I would be happy to yield.

Mr. DORGAN. Let me say that on the amendment I just offered, I would be glad to a 10-minute time agreement when we get ready. I expect we will not need a recorded vote on that. But I know, as the Senator from Nevada is pointing out, we had an objection to even the motion to proceed on this bill, which was strange to me. Why would anybody have objected to proceeding?

Now we get a bill on the floor, and Senator BYRD, Senator COCHRAN, the chairman and ranking member, I know they want to get this done. I believe we ought to get these appropriations bills through and out of here. This is a good bill.

I hope this afternoon Senators can come and offer the amendments. I hope we can get this bill done today. It is not just this bill, we have got a lot of appropriations bills we have to do. So the Senator from Nevada, the majority leader, has an important message: We need to get this appropriations bill done. It deals with homeland security after all.

Mr. REID. That is a really good example to set for the other people offering amendments. I would also say, as I said on the Senate floor this morning, there is an extremely important congressional delegation that is scheduled to be in Greenland this weekend. I would really like—first of all, I would like to have gone on the trip. But there are 10 or 11 Senators scheduled to go on that trip. I hope that trip can take place. But we are going to have to get this legislation done.

If we get some idea that there is a real stall going on here, we will have to file cloture on the conference report dealing with homeland security, the 9/11 Commission recommendations, and that vote would not take place until Saturday. So we are doing our best to work through all of this. But I want everyone to know, as I have said here so many times, we have a very few things to do, but we are going to do them. And it is no bluff. We have a whole month to complete everything in August. I hope people will help us work through that so that is not necessary.

Mr. BYRD. Mr. President, I would like for our majority leader to say that again.

Mr. REID. I would be happy to do that for my distinguished friend, the senior Senator from the State of West Virginia, of the West Virginia hills.

We have four things to do for sure: the bill we are on now, this appropriations bill, children's health, the conference report on the 9/11 Commission recommendations, and the message that we are going to get from the House on ethics and lobbying reform. Those four things are essential.

The luxury we would have is also to complete WRDA. The conference report is important. We should be able to do that quickly. We got a huge vote when it came out of here.

These are the things that we must do before we leave. This is not anything new that I just sprung on anybody. That is something that I have been saying for a long time. We have made great progress. I am very happy with it. We were able to get Wounded Warriors done. We were able to get the pay raise for the soldiers, sailors, airmen, and marines. We were also able to pass for the first time in 3 years the higher education bill—that is important—reconciliation, getting the biggest change in how students are able to go to our schools in our country since the GI bill. We have a few things we need to do, and we really need to do it.

I repeat, it is almost 1 o'clock on Thursday. I will be happy to work into the night to complete this bill. I say that the managers of the bill says it all, Senator BYRD and Senator COCHRAN. They are the best we have.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, taking the distinguished majority leader's words to heart, I would like to ask the Senate to return to the Vitter amendment to try to dispose of that.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Would the Senator repeat his request?

Mr. VITTER. The request is to return to the Vitter amendment to dispose of that and proceed with the business of the majority leader.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. What is the number of the amendment?

Mr. VITTER. Amendment No. 2488, which is pending.

Mrs. MURRAY. Mr. President, I would object at this time and suggest the absence of a quorum.

The PRESIDING OFFICER. Objection is heard. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. 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. VITTER. I renew my unanimous consent request to go back to amendment No. 2488.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Mr. President, at this point I send a modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

Mr. VITTER. Mr. President, just to be transparent and clear to everyone, this modification of my amendment takes out a specific provision limiting the amendment to a 90-day supply.

The PRESIDING OFFICER. The clerk will report the modification.

Mr. VITTER. 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, as modified, is as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

Mr. VITTER. Mr. President, I will be happy to explain exactly what the modification is. The modification simply takes one phrase out of the previous version of my amendment. And that single phrase in the old version of my amendment limited the amendment to a 90-day supply of prescription drugs.

That limitation is now taken out of my amendment. That is the only thing the modification does. Now, the purpose of the modification is to now make it a pure funding limitation amendment so that it is not subject to the point of order of authorizing on an appropriations bill.

That is the full explanation of the modification.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I call for the regular order with respect to the Landrieu amendment.

The PRESIDING OFFICER. The Landrieu amendment is pending.

Mr. MURRAY. 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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I wish to take a few minutes to walk everyone through where we are right now.

About 15 or 20 minutes ago, the majority leader came over to the Senate to talk to us about moving quickly through the Homeland Security appropriations bill that is now on the floor because, as he described, we have many

items of business that need to be accomplished before the Senate goes into recess for the August break. He asked the managers of this legislation, Senators BYRD and COCHRAN, to work with Senators who have pending amendments to move them through in an orderly fashion so we could possibly finish this bill by tonight and go on to the rest of the business that needs to be completed.

In complying with that, Senator BYRD and Senator COCHRAN and myself worked out an agreement to begin to deal with some of those amendments. That is how we work in the Senate. We would never finish everything if we didn't take some time to have conversations to figure out how we can work through amendments in an orderly fashion.

There are 11 amendments currently pending that we are trying to work our way through. One of those amendments is an amendment offered by the Senator from Louisiana, Mr. VITTER, which he had a right to come and offer. It was not the pending matter. The pending matter was the Landrieu amendment, second degreed by the Dorgan amendment.

In order to get to the amendment offered by Senator VITTER, we had to agree by unanimous consent to set that aside. We talked to the Senator and agreed on a process to dispose of his amendment. Senator BYRD, Senator COCHRAN, Senator VITTER, and I were here to come to an agreement that Senator VITTER would offer his amendment. He understood that a point of order lay against that regarding whether it was a rule XVI. He understood that Senator COCHRAN's second-degree amendment also was in the same procedural difficulty.

The agreement was that we would agree to lay the amendment aside, Senator VITTER would set aside the amendment, go to his amendment, and a point of order would lie against it, as well as a point of order against the second degree offered by Senator COCHRAN. It sounds complex, but the upshot was, it would dispose of the amendment, a point of order would lie against it, and we would move on to the other numerous amendments that now lay before the Senate.

In this body, it is extremely important that we all have the opportunity to work out these agreements so we can work through bills in an orderly fashion. I assumed that would be the case, that we had all agreed upon that and that would be the order this would go to.

Unfortunately, when the Senator rose to ask to set aside the amendment, according to the agreement we agreed to, I did not object. The Senator went to his amendment, and instead of going through the process we had all agreed upon, he sent a modification to the desk that changed his underlying amendment and meant that it no longer had a point of order lying against it.

That is a difficult position it puts us all in because we have 11 amendments, possibly more, to get through. If we can't come to an agreement and trust each other on how the process is going to move forward and go outside that, we are not going to be able to get through these amendments, because this Senate really is based on trust.

So, Madam President, we are now in the parliamentary position where we have gone back to the regular order. Another amendment is pending. If we move through these in proper fashion, the amendment offered by Senator VITTER will now be at the end of 12 amendments that are now in order. At some point we will get to it, but we now are in a difficult position of: How do we move through all these other amendments that are being offered? How do we deal with all the other Senators who are going to come to the floor and ask us to work through these amendments, if we cannot have an agreement that this Senate—when Senators stand on the floor and agree to it—knows that is what will occur? So we find ourselves in a very difficult position.

I see the majority leader is on the Senate floor and will yield to him if he would like to make a statement.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I gave a talk a week ago tomorrow to a group of people. It was a church meeting. There were adults and young adults there. I told them about my experience serving in the Congress. I have served in the House, and I have served in the Senate. It is not like when I practiced law.

When I practiced law, you put everything in writing. We do not do that in the Congress. We do not do that in the Senate. Your word is your bond. If a Republican Senator or a Democratic Senator—it does not matter—if you tell them you are going to do something, that is the way it is.

To show how powerful and important that is, Alan Bible was a Senator from Nevada who served 20 years and became ill. He retired. When he passed away—there was a plane that was always available to take Senators to funerals. The plane was scheduled to go to Nevada so Senators could attend Alan Bible's funeral.

There was a Republican on that airplane, TED STEVENS. The reason he was on that airplane was there was a vote very important to TED STEVENS dealing with Alaskan oil. Alan Bible had given his word he was going to vote with TED STEVENS. There was tremendous pressure on Alan Bible. Alan Bible's vote was the essential vote, and he withstood all the pressure and voted with TED STEVENS. That is the reason TED STEVENS went to Reno, NV: to honor the life of Alan Bible because he kept his word.

That is what we do in this Senate. We keep our word. It does not matter with whom you make an arrangement; if you tell him you are going to do something, if you tell her you are going to do something, that is the way it is.

So my disappointment in what has happened in the last few minutes is—it appears Senator MURRAY said it in a more discreet fashion than I am going to say it. Somebody did not keep their word. And that, I suggest, should be worked out. I think if someone in this body is known to have broken their word—and I was part of the little conversation right here—you do not take advantage of people. There are a lot of rules that allow you to take advantage of people, but you cannot do that.

So this is not appropriate. This is wrong. And I would hope that the Senator from Louisiana would kind of retrace his steps and back off and put us back where we should be. If that is not the case, and he chooses not to do that, I think it is going to be a difficult time, I would suggest, for him making other arrangements with Senators in the future because that is how we do business here.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President—while the majority leader is here, and the managers of the bill—the parliamentary position in which we now find ourselves is that the amendment that is now before the Senate under the regular order is the Dorgan amendment to the Landrieu amendment.

Senator DORGAN was on the floor a few minutes ago and said he would be willing to agree to a 10-minute debate time and a vote. I know the majority leader has several issues that are going on. I would like to ask the managers of the amendment how they would like to proceed at this point.

Mr. COCHRAN. Madam President, if the Senator will yield, I have no objection to proceeding to a vote at whatever time the majority leader suggests.

Mr. REID. Madam President, if the Republican floor staff would check to find out if we could do the vote at 1:50, 2 o'clock. Two o'clock is fine? Two o'clock.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senate vote at 2 o'clock on or in relationship to the Dorgan amendment to the Landrieu amendment that is currently pending, with the time equally divided between now and 2 o'clock.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. REID. Madam President, are we in a quorum call?

The PRESIDING OFFICER. No, we are not in a quorum call.

Mr. REID. Madam President, I ask unanimous consent that the 15 minutes prior to the vote be equally divided between those in favor of the amendment and those opposed to it. Senator DORGAN is in favor of it, so he would get 7½ minutes. Is that appropriate?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and

ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2448 WITHDRAWN

Mrs. MURRAY. Madam President, on behalf of the Senator from New York, Mr. SCHUMER, I ask unanimous consent to withdraw amendment No. 2448.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I rise to express my disappointment with where we find ourselves on the pending bill. We are debating the Homeland Security appropriations bill. The bill includes over $14 billion—spelled with a ''b''—for border security. By a vote of 89 to 1, we just approved $3 billion in emergency funding for border security. I note that the bill also includes $1.7 billion for FEMA disaster relief to help fund the response to Hurricane Katrina.

The Senator from Louisiana—where is he? Do you want to hear me? Come on out. I want to say it in front of you.

The Senator from Louisiana is now holding up this bill over a legislative matter that is not germane to the measure. As the manager of the bill, I thought we had reached an accommodation on how to dispose of the matter.

Instead, the Senator from Louisiana—where is he? He was here a moment ago.

I thought we reached an accommodation on how to dispose of the matter. Instead, the Senator from Louisiana offered a new amendment—a new amendment.

Is he here? All right. I want to say it in his presence.

Instead, the Senator from Louisiana offered a new amendment. I am disappointed that the Senator from Louisiana has decided to delay consideration of a bill that includes critical funds for aiding the victims of Hurricane Katrina.

Did you hear me? Where is that Senator?

I am disappointed——

Mr. VITTER. Madam President, will the Senator yield?

Mr. BYRD. Yes, I yield.

Mr. VITTER. Thank you for the courtesy.

First of all, let me say to the distinguished Senator from West Virginia, I have the utmost respect for him. I just want to clarify that it certainly is not my intent to delay anything. I am happy to proceed with votes on this bill—all votes that are lined up, and other votes.

I would also like to make this offer, if it would clarify or help heal the past situation. I apologize if anything was miscommunicated regarding the last hour or so. But if it would help heal that, I would be happy to withdraw my pending amendment as long as I was given the opportunity and assured of an opportunity to file a new amendment, which is germane, and that could be made pending. And, of course, in that context, I would have no objection to anyone, including Senator COCHRAN, being able to offer a second-degree amendment on that amendment.

So I would be happy to withdraw my pending amendment as long as I could be given the opportunity to submit an amendment that could be made pending rather than have the clock run out or have proceedings and votes on the bill happen before that amendment would be made pending.

But, again, my main point is, it is certainly not my intent to delay this bill, or any votes on amendments or the bill, and I am eager to proceed with all of those.

I thank the Senator for the courtesy of yielding.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD. Madam President, we have not seen any amendment.

Mr. VITTER. I will be happy to provide a copy of what that new amendment would be. I would be happy to do that right now.

Mr. BYRD. Spell it out on the floor in front of everybody. What is the amendment?

Madam President, I suggest the absence of a quorum so that we may be able to see the amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Again, I would remind my colleagues that we are currently debating the Dorgan amendment to the Landrieu amendment. Senator KERRY is on the floor and wishes to speak. I yield him the time until 1:45 when it will be equally divided at that time. So the Senator has 10 minutes.

Mr. KERRY. Madam President, last November was one of those truly rare moments in the short history of our country and our democracy. Any political science student taking a freshman lecture, of course, will hear how incredibly hard it is to remove entrenched congressional majorities. They know the statistics about how hard it is to defeat incumbents around here. It doesn't happen that often. But sometimes, the American people rise up in one moment, as they did last November, and they make history. Just six times in our 230-year history has one party lost both Houses of Congress, and 2006 was the first time the Republican Party failed to win a single House, Senate, or gubernatorial office previously held by the Democrats.

We Democrats have been in that predicament. In 1994, Democrats woke up to a landslide defeat some people thought would never come. It wasn't always easy, it wasn't always collegial, but we listened and we learned. Together, we reached across the aisle to balance the budget and reform welfare. We wrestled with why we had lost, and we wrestled with what we had to do in order to come together—not just as a party but as a country.

Evidently, some people still haven't wrestled with what happened last November 7.

Last November, Americans were appropriately angry. They saw our young men and women in uniform paying the ultimate sacrifice in Iraq for a failed policy that was stuck on autopilot. They saw the number of Americans without health insurance skyrocket to 45 million, with more hard-working Americans joining them every day. They saw record-high oil prices and global climate change—a reality denied and deferred and no serious national effort to address these issues. They saw staggering corruption and no accountability for the way the people's House had been turned into a refuge for the special interests. Americans saw a politics and a party that was broken, and they rejected the stubbornness, cynicism, corruption, and failed policies that made ''Washington'' a dirty word. They voted for a change.

President Bush seemed to get the message the day after the 2006 election when he said to America:

> The message yesterday was clear. The American people want their leaders in Washington to set aside partisan differences, conduct ourselves in an ethical manner, and work together to address the challenges facing our Nation.

The President said he got the message, but the question has to be asked: What have Republicans done since then? Where are they 6 months after their worst electoral defeat in 50 years? What happened to the President's post-election statements when measured against the President's actions and those of the Republican minority in the Senate? Those actions tell a very different story. Before the dust had settled, before defeated Republicans had even cleaned out their offices, this President and his remaining allies in Congress have made a calculation, on issue after issue, that they would just set out to stop everything from happening and then they would turn

around and they would ask: Why is nothing happening under the Democrats? This is a pure political calculation. It is wrong for the country, and I respectfully would suggest, ultimately, it will be wrong for the party. They would rather spend their time attacking HARRY REID than attacking the Nation's problems. Delay is no longer just a former Republican leader; it has become a Republican way of life.

We have been busy debating progress in Iraq around here and measuring benchmarks. I can't help but think as we talk about measuring benchmarks that pretty soon the Iraqi Government is going to wonder whether the Republican caucus is going to meet any of its benchmarks or any of the country's benchmarks.

For 6 months now, the Democratic majority has worked in good faith to deliver on our promises to the American people. Because of the Democratic majority, the minimum wage earner in America now makes 70 cents an hour more than they did under a Republican Congress—and soon they will be making $2 more. The longest streak without a raise in the minimum wage in the history of the minimum wage has ended but not before 4 months of Republican obstruction cost each minimum wage earner in America around $500 in earnings.

We passed legislation to make college more affordable and cut interest rates in half for millions of Americans with student loans. We stood up to powerful special interests and raised the fuel efficiency of our automobiles by 10 miles per gallon. Twenty years had passed since Washington raised the fuel standards, but Democrats took on the special interests and got it passed. We passed funding for stem cell research. We passed the 9/11 Commission recommendations. We passed ethics and lobbying reforms.

Just yesterday, we passed legislation that will fix many of the shortfalls in our care for injured troops and veterans, and, over yet another White House veto threat, we also passed a 3.5-percent raise for members of the military. Most importantly, we passed legislation demanding that the President face reality and begin redeploying troops from Iraq.

Regrettably, there is, on almost every one of these issues, today as I stand here a gap between how many of those policies that are aimed to help everyday Americans, which enjoy the majority support of the Senate, and how many have actually been signed into law. Why? One simple reason: The President and his allies in Congress have decided to use every means at their disposal just to slow it down and block it, to stand for a policy of obstruction and obstruction and obstruction, not accomplishment for the American people. They have vetoed and filibustered and killed bills in conference. They have wasted days and days with procedural motions and delays that have nothing more to do in their purpose than to waste time and squander the trust and patience of the American people and, ultimately, to hope to be able to blame it on the Democrats.

Just look at what they have blocked. They vetoed a Senate bill demanding a new strategy in Iraq. They vetoed a stem cell research bill, science that could prove crucial to cures for 100 million Americans with Alzheimer's or Parkinson's or diabetes or other diseases. Now, another veto is threatened on children's health care—of all things, children's health care—a veto threat on a bill the President hasn't even read, because he was worried about the price tag. Well, we are talking about our children's health, and the bill offered just $7 billion each year for uninsured children, while we spend 1½ times that amount every month in Iraq. Those are just the bills which made it to the President's desk.

Senate Republicans blocked a vote on a bill to allow the Federal Government to negotiate lower prescription drug prices for 43 million Americans on Medicare. Republicans are blocking the passage of a bill that would provide crucial funding for the intelligence community. They are blocking ethics bills that would mark the most sweeping ethics reform since Watergate. They don't have the votes to stop it, so they are pulling a procedural maneuver and refusing to appoint conferees in order to hammer out the final details of the bill.

The Republicans are now setting records for filibusters and obstruction. The Senate record for filibusters is being set already, and it is only halfway through this term. To paraphrase Winston Churchill: Never, in the field of Senate legislation, was so much progress blocked for so many by so few.

Actually, they have made history, I suppose, because thanks to the Senate Republicans, L.A. is no longer the center of gridlock in America—it is right here. On issue after issue, the Republicans have chosen to filibuster—and to do so just 2 short years after they declared the filibuster, as their then-leader, Bill Frist, said in late 2004, "nothing less than the tyranny of the minority." After expressing outrage at the mere hint of a Democratic filibuster last session, the Republicans have suddenly become the principled champions of so-called minority rights in the Senate, but minority rights apply to legitimate filibusters for legitimate issues, not a policy of obstruction to stop everything that comes along.

After threatening the so-called "nuclear option" when Democrats stood up to defend the Arctic National Wildlife Refuge, they have introduced a filibuster to stop everyday business in the Senate. Almost everything the majority leader tries to do here now requires us having a cloture vote in order to prevent a filibuster. In fact, the rubberstamp Republicans of the previous 7 years have now become the roadblock Republicans. The party of Abraham Lincoln has become the party of redtape—vetoes, filibusters—any means necessary to deny the will of the majority of the Senate and the vast majority of the American people.

If you don't believe me, listen to what the minority whip, Senator TRENT LOTT, told a reporter just this April. He said:

> The strategy of being obstructionists can work or fail, and so far, it is working for us—

The "us" being the Republican Party and the minority in the Senate.

Well, I think the Senator is looking at it the wrong way. The question isn't, Is it working for Republicans, is it working for Democrats? The question is, Is it working for the American people? Is it working for the millions of low-income children whose health care funding the President has threatened to veto? Is it making us safer when you block the funding for the intelligence agencies? Is this obstructionist strategy working for the 12 million Americans forced to live in the shadows of American life while our borders stay broken? Is it working for the 554 soldiers who have died in Iraq since Republicans first blocked a measure to redeploy troops last February?

Instead of the Senate's highest shared principles of consensus and bipartisan accomplishment, the Republicans have chosen the lowest common denominator—a zero sum game in which they are willing to gamble the American people's loss for Republican gain. The Republican strategy seems to be to slash the tires of the Senate and then wonder why we are still stuck on the side of the road and blame somebody else for that problem.

Let me be clear what I am criticizing here. I support the right of the minority to filibuster. In fact, I have done so myself. Every Senator in this body has that right. I support that right. But when filibustering not for the principle of the issue at hand but for the generic, broad strategy of stopping what happens here so you can blame the party in charge for not being able to finish the work, that is unacceptable.

The rights of the minority in the Senate ought to be protected, but they also ought to be used responsibly too. Do I have a problem with time?

The PRESIDING OFFICER (Mr. SALAZAR). Yes.

Mr. KERRY. I ask unanimous consent for a few more minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KERRY. Mr. President, obstruction for obstruction's sake is not in the best traditions of this great institution. It is the worst kind of cynical political calculation. I think all of us on our side would join in voting to protect the right of the minority to be able to filibuster. We all understand that what goes around comes around, and the time may come when we again may be in the minority. We Democrats don't want to use the nuclear option. We are

not even talking about it. We want to pass bills. We want to pass bills that are supported by a majority of people in the Senate, including Republicans, and certainly supported by the majority of Americans.

I say to my Republican colleagues that there is a better way to do business. We can work together and actually do something positive for the American people. All of us know this is a uniquely challenging moment for this country. We face new threats and hurdles no generation has faced before. We ought to be working together to solve those problems. The only chance this Senate has to make a real contribution to history is to make a bipartisan contribution. That is the only way the Senate meets its own expectations.

Some of the great legislative accomplishments in recent memory came under mixed Government, when both sides of the aisle came together.

In 1981, Ronald Reagan saw that Social Security was in danger of going bankrupt and placed a call to the Democratic speaker of the House, Tip O'Neill. They realized that at the end of the day, nobody would solve it if they didn't. So they got together and took the politics out of a tough and unpopular vote. The deal they struck kept Social Security afloat. Neither man could have done it without the other. Neither party could have done it without the other.

We all know the limits of a politics of division, of partisan sectarianism. A politics of division can rush our country into war, but it cannot sustain our trust or the war itself. A politics of division has no answer for 12 million undocumented workers in our houses, fields, and factories. It has no answer for 45 million Americans with no health insurance, no answer for icecaps that are melting or a failed policy in Iraq. The politics of division is bad for America—from the Parkinson's patient to the undocumented immigrant to the soldier in Iraq. Nobody is benefiting from Republican obstructionism.

It is also bad for the Senate. This Senate has been known as the greatest deliberative body in the world. But there is nothing deliberative about partisan sabotage. There is nothing deliberative about blind obstructionism.

The ongoing debate we have here is about much more than Senate procedure. At its core is a debate, really, about where we are headed in our relationship with each other, Republicans and Democrats. All of us go home and hear from our constituents about how they have lost faith in Washington. All of us want to do right by the people who elected us and try to make life better for the American people.

Any Senator who has been here for a period of time has watched the decline of the quality of the exchange on both sides of the aisle in this institution. I have seen colleagues stand up against it. I remember when Senator GORDON SMITH, in the middle a painful debate on Iraq, said:

> My soul cries out for something more dignified.

I think a lot of Senators on both sides of the aisle are concerned for the Senate. Voters want a debate over ideas, not a war of words; a choice of direction, not a clash of cloture votes. The stalemate we have now is not what the Senate is renowned for. This is called, as I said, the greatest deliberative body in the world, a place where people on both sides can find common ground and get good things done for other people.

Ultimately, we are accountable to the American people—accountable for false promises, accountable for failure to address issues we promised to address, whether it is energy independence or military families who lose their benefits. We are accountable.

Mr. President, a filibuster to stop all progress, then claim Democrats aren't doing anything, is a failed strategy. It is a failure because it doesn't put the American people first. I believe the American people will hold a party of obstruction accountable. I hope that will change.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2505

Mr. DORGAN. Mr. President, my understanding is that by unanimous consent, we have a vote scheduled at 2 o'clock.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. I know of no opposition to the amendment I have offered. Are there those on the minority side seeking to use time against the amendment?

The PRESIDING OFFICER. The Senator has 7 minutes under the unanimous consent order.

Mr. DORGAN. Mr. President, I ask unanimous consent that Senator CONRAD be recognized for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota, Mr. CONRAD, is recognized.

Mr. CONRAD. Mr. President, it has been 2,144 days since 9/11. We all remember the day our Nation was attacked. That attack was led by Osama bin Laden, the leader of al-Qaida. At the time, the President said:

> This act will not stand. We will find those who did it. We will smoke them out of their holes. We will bring them to justice.

Mr. President, 2,144 days have passed, and still we have not brought Osama bin Laden or al-Zawahiri or the rest of the top leadership of al-Qaida to justice. These are the people who led the attack on our country. It wasn't Saddam Hussein and Iraq; it was Osama bin Laden and al-Qaida. Yet this Nation lost focus under the leadership of this administration.

I think the most striking story of all is this from the USA Today in late March 2004:

> In 2002, troops from the 5th Special Forces Group who specialize in the Middle East were pulled out of the hunt for Osama bin Laden in Afghanistan to prepare for their next assignment: Iraq. Their replacements were troops with expertise in Spanish cultures.

Mr. President, there are not a lot of Spanish speakers in Afghanistan or in Pakistan. That is where Osama bin Laden is still lurking, still hiding, still waiting to strike our country.

This amendment says: Let's remember who attacked America, and let's finish business with him and his al-Qaida network.

Mr. President, we have now learned this week, according to the New York Times, that a 2005 raid on al-Qaida chiefs was called off at the last minute by Secretary Donald Rumsfeld:

> The mission was called off after Rumsfeld rejected an 11th hour appeal from Porter Goss, Director of the CIA. Members of the Navy Seals unit in parachute gear had already boarded C–130 cargo planes in Afghanistan when the mission was canceled.

This amendment says: Let's put the focus back on Osama bin Laden and al-Qaida. Let's finish business with the people who attacked America.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota, Mr. DORGAN, is recognized.

Mr. DORGAN. I ask unanimous consent to use the remaining time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, my understanding is that we have a 2 o'clock vote on this amendment. This amendment is one Senator CONRAD and I had offered on the Defense authorization bill. That bill, as you know, is no longer on the floor of the Senate. So we offer it now to this legislation. Just as my colleague from Louisiana has previously offered an amendment with respect to the objective and the priority of eliminating the leadership of al-Qaida, this amendment we offered about 2 weeks ago would do two things: increase the reward for Osama bin Laden and the leaders of al-Qaida; No. 2, and most important, it would require quarterly top-secret classified briefings to this Congress every quarter about what is or is not being done to bring to justice, to capture, or kill the leadership of al-Qaida.

Why do we want to do this? It has been nearly 6 years since thousands of Americans were murdered—innocent Americans murdered by Osama bin Laden and al-Qaida. They boasted about engineering the murder of innocent Americans.

Here is what last week's National Intelligence Estimate says:

> Al-Qaida is and will remain the most serious terrorist threat to the homeland.

That doesn't need much interpretation. The most serious threat to our homeland is al-Qaida.

> We assess the group has protected or regenerated key elements of its homeland attack capability, including a safe haven in the Pakistan federally administered tribal areas, operational lieutenants, and its top leadership.

Does anybody in this country believe there ought to be a safe haven on this

planet for those who boasted about murdering thousands of innocent Americans? Does anybody believe there ought to be secure hideaways or a safe haven for the leadership of al-Qaida that, today, in the mountains somewhere, are planning attacks against this country?

Why, after 6 years, are we not successful in bringing to justice and limiting the leadership of al-Qaida? It is not as if we don't know all of this.

This is in June:

Al-Qaida regroups in new sanctuary on the Pakistan border.

While the U.S. presses on in its war against insurgents linked to al-Qaida in Iraq, bin Laden's group is recruiting, regrouping, and rebuilding in a new sanctuary. . . .

This is from the New York Times in February:

Terror officials see al-Qaida chiefs regaining power.

Senior leaders from al-Qaida are operating from Pakistan near the Afghan border, according to American intelligence and counterterrorism officials.

How much more do we need to understand? We have soldiers in Iraq going door to door in Baghdad in the middle of a civil war, where Sunni and Shia are killing each other and Sunni and Shia are both killing American soldiers. In the middle of a civil war, we have soldiers going door to door in Baghdad and, in the meantime, we have al-Qaida building training camps in a secure hideaway between Pakistan and Afghanistan. And today, this afternoon, they are planning additional attacks against our country. That is unbelievable to me.

Mr. President, in August 2001, the Presidential daily briefing given to this President said the following:

Bin Laden Determined to Strike in the U.S.

That was the title. Nearly 6 years later, we now have intelligence assessments with this title:

Al-Qaida better positioned to strike the West.

That is what I call failure.

We must succeed. That is why we ask with this amendment for quarterly classified top-secret briefings to this Congress to tell us what they are doing or what they are not doing to bring to justice and to eliminate the leadership of al-Qaida. It is unbelievable to me that Osama bin Laden, who boasted of attacking this country, now apparently is in a secure hideaway or a safe haven. Nowhere on this small planet should there be somewhere safe for the leader of the organization or the leadership of the organization that launched the attack on this country in 2001. It is unbelievable to me that we are in this situation.

Now, the President said this when asked about it:

I don't know where bin Laden is. I have no idea and really don't care. It is not that important and it is not our priority.

Those are the words of President Bush.

Let me read the words of the National Intelligence Estimate of last week that came out from this administration:

Al-Qaida is and will remain the most serious terrorist threat to the homeland.

Maybe we ought to modify that statement of the President because it ought to be our priority. That is what this amendment is about. It should have been our priority 4 years ago, 5 years ago. It ought to be our priority today. I know of no more important priority for this country than dealing with the leadership of al-Qaida and eliminating the greatest political threat and the most serious terrorist threat to our homeland. That is what our amendment does.

I hope the Senate will once again agree to this amendment and establish this as a preeminent priority for this country.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Mr. President, it is my understanding no time remains and we will go to a vote immediately; is that correct?

The PRESIDING OFFICER. The question is on agreeing to the amendment as under the previous order.

Several Senators addressed the Chair.

Ms. LANDRIEU. Mr. President, I ask unanimous consent for 2 more minutes on this subject, and then we can go to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. Reserving the right to object, will the Senator modify her request to allow me 2 minutes before we go to the vote?

Mr. DURBIN. Objection.

The PRESIDING OFFICER. Does the Senator so modify her request?

Mr. DORGAN. What is the Senator's request?

The PRESIDING OFFICER. The Senator from Louisiana has asked for 2 minutes. The Senator from South Carolina has asked to modify that request for 2 minutes.

Does the Senator from Louisiana so modify her request?

Ms. LANDRIEU. I withdraw my request.

The PRESIDING OFFICER. The request is withdrawn.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, in fairness, as I have seen Republican amendments taken down with rule XVI, I raise a point of order that the pending amendment constitutes legislation on an appropriations bill and violates rule XVI.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent that we consider the amendment I have offered, notwithstanding rule XVI.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard. The point of order is well taken and the amendment falls.

The Senator from Washington.

Mr. DEMINT. I appeal the ruling of the Chair and ask for the yeas and nays.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I believe I have the floor. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we are in the twilight zone. We are on an appropriations bill. An amendment was offered subject to a point of order. The point of order was raised and sustained by the Chair. And now the person who won wants to appeal the ruling of the Chair.

Mr. DEMINT. Will the Senator yield?

Mr. REID. I will be happy to yield for a question.

Mr. DEMINT. I thank the leader. We were rushed, and I didn't have a chance to explain what I was trying to do. As I was listening to the debate of the last couple of days, I have seen rule XVI used against LINDSEY GRAHAM's bill. I have seen other Republican bills, such as DAVID VITTER's, taken down because it violated rule XVI, legislating on an appropriations bill. Yet when I heard Senator DORGAN's amendment, I realized there was a double standard. We were being inconsistent. It was OK to legislate on a Democratic bill but not a Republican bill. My intent was to make a point, to raise a point of order that Senator DORGAN's amendment does violate rule XVI. But when the Chair ruled, I appealed the ruling of the Chair, which the Parliamentarian said she did not hear. But what I wanted to vote on was the ruling of the Chair to establish are we going to use rule XVI against Republicans but not Democrats; are we going or are we not going to have a fair debate?

Obviously, our preference would be not to be legislating on appropriations bills, but if we are going to do it for some, we should do it for all.

In this case, I say to the leader, my hope had been to vote on an appeal of the ruling of the Chair, which I had asked for, but was not recognized apparently, before we went into a quorum call.

Mr. REID. I say to my friend, you won. The rule XVI you raised and you won. The amendment falls. And it is a Democratic amendment.

Mr. DEMINT. I had asked for the yeas and nays on appealing the ruling of the Chair because that was my intent, to question whether we should be legislating on appropriations bills. That was more of a vote on rule XVI than it was the Dorgan amendment. That is what I was here for, to ask for a vote on appealing the ruling of the Chair,

which was my language: ''I appeal the ruling of the Chair and ask for the yeas and nays.''

Mr. REID. Just a second; I have the floor.

Mr. DORGAN. Will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. DORGAN. Mr. President, the Senator from Nevada and others were in the well a moment ago when Senator DEMINT indicated what he wanted was a vote on my amendment. I said that is fine, withdraw your objection and we will have a vote on my amendment. Apparently, that is not what he wanted because the Senator offered an objection relative to rule XVI. The Chair sustained the Senator's objection, and because the Senator won, he was not satisfied and wanted to do something further.

I don't have the foggiest idea what might be the motivations here. If the Senator from South Carolina wants a vote on my amendment, all he has to do is withdraw his objection, and we can have a vote in 30 seconds. If there is some other nefarious purpose here, then maybe the Senator might explain it to us.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, that is why I said I think we are kind of in a twilight zone here. The Chair is not partisan. The Parliamentarians who serve at our pleasure, Democrats and Republicans, are not partisan. They go by the rules and the precedents set in this body.

Mr. LOTT. Mr. President, will the distinguished majority leader yield for a question?

Mr. REID. I will be happy to yield to my friend. I will say to my friend, he and I were on this floor and we danced this tune once before. It took us 4 years to unwind from it. That is why the vote yesterday was so important.

Mr. LOTT. That is what I wish to comment on, Mr. President, if the distinguished Senator will yield briefly. Without getting into the substance or without questioning anybody's motives, it is important that we understand—and I can put this in the form of a question to the majority leader—if, in fact, this appeal of the ruling of the Chair should succeed, that would do away with rule XVI, as I understand it, and then we would all have a grand old time legislating on appropriations bills.

Before the leader responds, let me say there are pent-up feelings on this side, probably on your side: Well, we can't get the authorizations and some of the language we want and the appropriations bills may be about the only thing moving through here, in some respects, and we want to have an opportunity to legislate on appropriations bills. But here is part of my concern, honestly. I don't think we can win that battle against the other side. I suspect you all would wind up legislating more than we would on appropriations bills.

Mr. President, I think we need to calm down around here. There is a rule on the books for a reason. For good reason we took an action that knocked it out a few years ago. I learned painfully what a mistake that was. We should not be legislating on appropriations bills. You can make a good-faith effort around here if you want to do that. I think this action would cause some consequences we would not want, if we look at it in the future.

Am I stating this correctly, I ask the majority leader?

Mr. REID. Mr. President, our roles were reversed too many years ago when I had his job and he had my job, and it was a very difficult time. Even everything being in order, to move these appropriations bills is hard, and then anybody can offer anything on them. The key to these appropriations bills is you deal with matters of appropriation, not some of the subjects people have thrown into them all the time.

As my friend said, there is a lot of frustration. The House can move a lot of authorizing legislation. We cannot over here. So there is a tremendous temptation to stick in these appropriations bills all kinds of authorizing legislation that shouldn't be on appropriations bills.

I plead to my friend from South Carolina: It doesn't prove anything to have us vote on something—you have already won. I will also say this. The only partisan nature of raising points of order is we try—it usually works out that way—if there is a Republican who violates a point of order, a Democrat who is the manager of the bill will raise a point of order; if it is a Democrat, then a Republican will raise a point of order. That is the only partisan nature of raising points of order.

Mr. LOTT. Mr. President, will the distinguished majority leader yield briefly?

Mr. REID. I will be happy to yield.

Mr. LOTT. Mr. President, I feel a necessity at this point—and I will follow it with a question—to also say that I understand the right of the Senator from South Carolina to do this procedure. I am not questioning that at all. I think the result would be one that would not be good for the institution, and I think we would be abusing it on both sides.

But also I want to emphasize the right of a Senator to modify his own amendment. I wasn't here when the discussions took place with regard to Senator VITTER's modifying of his own amendment, and I know that has caused some consternation.

Mr. President, if I could say to the majority leader, wouldn't it be better for this institution if we would not get in the position of questioning each other's motives? I realize we have to be honest with each other, and I understand what everybody is doing. I understand the amendment on Osama bin Laden. Yes, we want to catch him, and I know there is a lot being done—and I won't get into the intelligence—and I understand what Senator DEMINT is doing, but I would hope this would give us an opportunity, in a bipartisan way, for the sake of this institution, to step back, to calm down, and to stop trying to do these things to each other on both sides of the aisle.

I am grandstanding, and I apologize, but my purpose is to try to say to the institution, to our people, I hope we will find a way to avoid this. I think it would be a mistake, and I assume the majority leader agrees with that.

Mr. REID. Mr. President, I appreciate my colleague, calling on his years of experience, to try to settle things down.

I would say that, perhaps with Senator VITTER, giving him the benefit of the doubt, maybe there was a misunderstanding in the conversation. That is totally possible. Maybe he didn't understand the rules. Maybe he didn't do one thing and say something else, and I accept that, if in fact that is the case.

So I think what we should do is, I am going to ask a quorum call be started, and then we will huddle over here and see if we can work all this out.

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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, due to the good work of my friend from Mississippi and others, on both sides, here is what we are going to do. There has been a point of order raised against the Dorgan amendment, and that has been sustained. So that amendment will fall. And in the order of amendments filed, Senator VITTER's is at No. 11 or 12; OK?

Senator VITTER, when he had his conversation with Senator COCHRAN, Senator MURRAY, and me, was under the impression he could still modify his amendment. We thought differently. It was just a misunderstanding. Maybe we have been around here too long—I shouldn't say ''we.'' Maybe I have been around here a long time and just accept things for the way they appear to be and not sometimes the way they are. Senator VITTER has said there was nothing nefarious in what he did. He just assumed he could automatically modify that. And under the rules, he could.

So we will go back right where we were. No one is accusing Senator VITTER of anything that is illegal or unethical. It was simply a misunderstanding among the four of us. So anything I have said earlier today, based on my misunderstanding of him and what his thoughts were, just forget about them because based on the conversation I have had with him in the last few minutes, that wasn't the case. So I shouldn't have been as upset, and

Senator MURRAY shouldn't have been as upset as she was. Senator COCHRAN was his usual stoic self trying to lead us in the right direction, which we didn't go.

Mr. VITTER. Mr. President, will the majority leader yield?

Mr. REID. I will be happy to yield.

Mr. VITTER. I thank the majority leader.

First of all, I appreciate those words very much, and I certainly want to reiterate that I never thought I was waiving what I considered my ability as a Senator to modify my own amendment and try to get a vote on my own amendment in the form I would like. So I appreciate the comments of the leader in that regard.

I also want to point out that I was actually modifying the amendment in order to get rid of this point of order and the fact that it, in a previous form, would have legislated on an appropriations bill, which we are trying to avoid. So I was trying to avoid that with regard to my amendment.

But I appreciate the comments, and I look forward to moving forward.

Mr. REID. Finally, Mr. President, let me say, I haven't mentioned his name but, of course, the distinguished Republican leader, being involved in this little huddle that took place, had a tremendous influence on our ability to work this out. I would say—and I hope I don't jinx anything we are working on now—what I would really like us to do is to see if in the foreseeable future we can work out a time on this bill for final passage. No one has had any amendments being prohibited. If people don't want to have final passage in the next 24 hours or so, that's fine.

As I have said before, I don't want to file cloture. We can just keep grinding through the weekend, but I would rather not do that.

Sometime today we are going to see if we can move to the conference report that Senator LIEBERMAN has so masterfully brought back to us dealing with the 9/11 Commission recommendations. He, of course, worked with Senator INOUYE and others to get this done, and so we will do that at a later time. But I wish everyone would work—certainly the two managers of the bill—to see when would be an appropriate time to see about a time for final passage.

Remember, we have this bill to complete. We have to work on children's health. We have two conference reports—there may be three conference reports—and that is all we have to do. But we have to go through all the procedural hurdles, and that may take longer than any of us wants to get through in the next few days.

The PRESIDING OFFICER. The minority leader.

Mr. MCCONNELL. Mr. President, I thank the distinguished minority whip, Mr. LOTT, for pointing out for the Senate a few moments ago the importance of rule XVI. I also want to thank the junior Senator from South Carolina for understanding, as well, that is a rule that has occasionally been reversed and restored in the Senate, and I think it is important to most of us that it continue to be in effect.

I also thank the majority leader and Senator VITTER for the colloquy we just heard. I think it is entirely possible for us to conduct our business in a civil fashion. I think we have just experienced a good example of the Senate working together on a bipartisan basis to get back together and to begin to move forward and finish this bill as soon as possible. Certainly, I share the views of the majority leader that we need to wrap up this bill in the very near future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all our colleagues for working with us to a point where I hope now we can start working through the amendments.

I call for regular order at this point, and I would remind all of us that I have about 12 or 13 amendments that have been offered. I know several other Senators have asked to be recognized to offer amendments. We want to work our way through all of these in a timely manner in regular order. We will be doing that this afternoon. So I ask Senators to stay close by the floor so we can move them through as quickly as possible. Hopefully, we can get time agreements on them in short order and dispose of them in whatever way is appropriate.

At this time, I call for regular order.

AMENDMENT NO. 2468

The PRESIDING OFFICER. The Landrieu amendment is the pending amendment.

Mr. COCHRAN. Mr. President, I make a point of order against the Landrieu amendment, that it is legislation on an appropriations bill, in violation of rule XVI.

Ms. LANDRIEU. Mr. President, how much time do I have to speak on the amendment? Is there any time allocated on the amendment?

The PRESIDING OFFICER. The point of order is not debatable.

The Senator from Washington.

Mrs. MURRAY. Mr. President, at this point we would like to move to regular order. The next amendment pending is the Grassley-Inhofe amendment.

I understand the Senator from Louisiana would like 2 minutes just to discuss the amendment that just fell, so I ask unanimous consent that she have 2 minutes.

Ms. LANDRIEU. Mr. President, reserving the right to object, let me ask the distinguished minority manager of the bill for just 10 minutes to speak on my amendment, and then he can speak on the point of order?

The PRESIDING OFFICER. The point of order has been raised.

Ms. LANDRIEU. I ask unanimous consent to speak for 5 minutes on my amendment.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. I thank the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, in the interest of comity, I will agree, but may I bring up two amendments that have already been filed while I am here?

Mrs. MURRAY. I object at this time. I have a number of Senators who are asking us to call up amendments. We would like to work with all of you to do that in a regular fashion. Maybe we can do that after the Senator from Louisiana is speaking, but at this point we are going to allow the Senator from Louisiana to speak and then move back to regular order, which will then be the Grassley-Inhofe amendment, No. 2444.

The PRESIDING OFFICER. Is there objection to the unanimous consent request propounded by the Senator from Louisiana?

Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair, and I can appreciate the situation we are in with the point of order being raised against the amendment, but as you know, Mr. President, I offered this amendment in good faith last night and spoke at some length on the amendment. I was under the impression that before we voted I would have the opportunity to speak on the amendment. Since that didn't happen, I appreciate the goodwill of my colleagues to at least allow me 5 minutes to speak, although the amendment has a point of order called against it.

My amendment actually proposes $25 million on this appropriations bill. I don't know where else to appropriate money except on an appropriations bill, and that is basically what my amendment does. It is a two-page bill, and it appropriates $25 million to the CIA to give them some extra resources to try to track down the No. 1 terrorist and his network that is threatening our country.

This amendment was prompted not out of politics or spite, it was prompted out of last week's National Intelligence Estimate that has been referred to now several times on both sides of the aisle. This did not come from a Democratic think tank or a Republican think tank, it came from the National Intelligence Estimate that says the al-Qaida network is as strong as it was before 9/11 and that Osama bin Laden is still the No. 1 target.

I offered an amendment in good faith and reached out to my colleagues to say we are on homeland security, could we find $25 million to appropriate some additional funding to the CIA? I know there are other resources, some of them are classified and some of them are not—and to clearly restate the policy that Osama bin Laden remains the foremost objective of the United States in the global war on terror and protecting the U.S. homeland, the foremost is to capture and kill Osama bin Laden.

I understand the point of order. I understand technically the Parliamentarian would probably rule against me.

But for the purposes of the constituents I am representing I wish to say I am trying but am blocked to appropriate $25 million more on a Homeland Security bill to give it to the CIA to help protect us from the No. 1 terrorist, according to our intelligence reports. That is all I wished to say.

I thank my colleagues for allowing me that moment of the record. I know the Senator wants to go back to regular order.

The PRESIDING OFFICER. The point of order is well taken and the amendment falls.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that the Grassley amendment No. 2444 be temporarily set aside; that we proceed to the Alexander-Collins amendment No. 2405.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

AMENDMENT NO. 2405, AS MODIFIED

Mr. ALEXANDER. Mr. President, I ask unanimous consent that my amendment described by Senator MURRAY be modified. The modification is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 40, after line 24, insert the following:

REAL ID GRANTS TO STATES

SEC. ____. (a) For grants to States pursuant to section 204(a) of the REAL ID Act of 2005 (division B of Public Law 109–13; 119 Stat. 302), $300,000,000.

(b) All discretionary amounts made available under this Act, other than the amount appropriated under subsection (a), shall be reduced a total of $300,000,000, on a pro rata basis.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 1 hour of debate, equally controlled in the usual form, with no second-degree amendments in order prior to the vote, and upon use or yielding back of the time, the Senate proceed to vote in relation to the amendment, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I thank the Senator from Washington for her courtesy. I thank the Senator from Mississippi for his help with this amendment, facilitating its coming to the floor last night at a late hour. I am grateful to him for that.

This is an amendment which I described on the Senate floor yesterday. It is an amendment involving REAL ID. I am offering the amendment with several cosponsors, including Senator COLLINS of Maine, Senator WARNER, and Senator VOINOVICH. It is my intention to use about 10 minutes of our 30 minutes on this side and to reserve the rest of that time for Senators COLLINS, WARNER, and VOINOVICH, if they choose to come to the floor in support of this.

Mr. President, I ask unanimous consent that Senator KYL of Arizona be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, this amendment would provide $300 million in funding to the States to implement the program known as REAL ID. It is offset with a .8-percent across-the-board cut in the rest of the bill. The total pricetag of the rest of the bill, the Homeland Security appropriations bill, is about $37.6 billion.

I will have a word to say about the offset in a moment. I know the Senator from Washington will have a few more words to say about the offsets when her time comes. I would prefer another offset, but I will talk about that a little later.

First, let me describe again what the amendment does. I would ask the Chair if I can be informed when 10 minutes has expired.

The PRESIDING OFFICER. The Senator will be so notified.

Mr. ALEXANDER. Mr. President, after 9/11, the 9/11 Commission recommended that in light of the terrorism our country faces, we begin to study how we can have more secure identification cards. A number of the terrorists had stolen cards or had fraudulent cards or had ID cards that were not real.

As a result of that, the Congress passed the Intelligence Reform and Terrorism Prevention Act at the end of 2004 which established a process by which we could look at the recommendation of the 9/11 Commission. It established a negotiated rule-making process.

Because most of the ideas about ID cards involved State and local governments, all of them involved issues of privacy, all of them involved the possibility of great inconvenience to most Americans, this negotiated rule-making process would basically create a seat at the table for representatives of all the affected groups and try to work out the most sensible thing to do.

I have historically been opposed to the idea of an ID card. When I was Governor of Tennessee, I twice vetoed the photo driver's license bill because I thought it was an infringement on liberty. But the legislature overrode me, I accepted it, and today, after 9/11, I agree it would be wise for our country, with a combination of terrorism and the difficulties within immigration, to have more secure identification cards.

The question is, which one? Then suddenly, in 2005, along came an appropriations bill for our troops, and in the middle of it, the House of Representatives stuck something called the REAL ID Act, which set minimum standards for State driver's licenses as an effort to deter terrorists from easily obtaining that form of identification.

Well, that could be a good idea. But there are 245 million Americans with driver's licenses or ID cards. Many of us send those in by mail or online to renew them. Last year in the State of Tennessee, for example, there were 1.7 million driver's licenses issued. There are 53 driver's license identification stations. I believe the only group of people who could have passed REAL ID in the dead of the night, without any hearings, were Congressmen who had never been to a driver's license examining station in Tennessee or maybe in their own State, because these are not State employees who are trained in catching terrorists. They are not equipped to deal with the large number of new responsibilities, in a State which is going to have REAL ID, that include having to come in person to that driver's license office and show a number of documents, including the Social Security card and a valid U.S. passport.

We would have to prove, I would have to prove, that I am lawfully a citizen of the United States. Our family has been here for 12 generations. Senator SALAZAR has been here for 13 generations. The Presiding Officer has written a book about the number of generations his family has been here. We would have to go down to one of these driver's license stations and prove we belonged here. Nobody else ever had to do that before in my family that I know about. But in an age of terrorism, we might have to do that.

At the very least, I would think we would want to do one of two things: One would be that in the Senate, in the Homeland Security Committee or other appropriate committees, we might want to think about whether there might be other ways to come up with a better secure identification card, rather than add that to the burden of the driver's license.

For example, most of the problems that surround the immigration bill have to do with work, people coming into this country illegally to get a job. That is what most of it is about. Senator SCHUMER and Senator GRAHAM have a piece of legislation that would create a secure Social Security card.

Now, I wonder if, over a period of years, having workers with a Social Security card that is secure, includes biometrics, and a good employer verification system, might not be a more sensible way for us to improve the question of whether we have secure identification cards.

There is the idea of more passports. Already we have a backlog because of the number of American who are getting a passport. But passports are a more secure identification. Maybe there should be a secure travel card we could use when we travel on airplanes. For example, there are a couple million

of us at a time who are up in the air. If we all had one of those cards, you begin to add all those up—you may have some driver's licenses that are more secure, a secure work card, a passport and a travel card, a variety of secure cards would begin to avoid the terrors we imagine from a ''Big Brother'' national ID card.

We remember what happened with that sort of thing in Nazi Germany and in South Africa, where you had to carry around a wallet and a portfolio describing how mixed your blood might be so they can determine your race. We do not want that in the United States.

So that would be the kind of discussion we should have had in hearings before any of this was adopted. We were going to have that with the negotiated rule-making process, before suddenly this so-called REAL ID card comes through here at night and we have to vote for it, up or down, or not send any money to support the troops fighting in Iraq and Afghanistan.

We can get an idea of what the REAL ID surge might cost by looking at what is happening right now with the passport backlog in the United States. There were 12 million passports issued in 2006. This year there are going to be 17 million because of new travel requirements. The Passport Office employees are working hard, but they grossly underestimated, or we did, what the new demand would be.

As a result, there was a backlog of 3 million passports in March. Today it is 2.3 million. The turnaround time used to be 6 weeks, now it is 12 to 14 weeks on regular service and 4 to 6 on expedited service. We have destroyed summer vacations, we have ruined weddings and honeymoon plans, we have disrupted business meetings and educational trips. People lost days of work waiting in line. If we think the passport backlog has created consternation, imagine what it is going to be like when 245 million Americans, many who have been used to renewing their driver's licenses by mail, many who have thought of themselves and their parents and grandparents as good, legal Americans, have to go to their driver's license station with a pack of documents and prove they are legally here.

Then they might get right up to the door and somebody says: You forgot one thing, and they have to go all the way back home, get it, and stand back in line again. I bet we get more calls on that than we did on immigration.

There is another problem I would like to describe. It is one I am trying to address with this amendment. I am trying to provide three hundred million dollars next year to help States who wish to comply with REAL ID pay for it. Now, not all States will take advantage of this because 17 States have already

The PRESIDING OFFICER (Mr. NELSON of Nebraska.) The Senator has used 10 minutes.

Mr. ALEXANDER. I will continue with my time because I do not see Senator COLLINS or Senator WARNER or Senator VOINOVICH. I will take another 4 or 5 minutes. If they don't come, then I will give back my time, except a minute or two to the Senator from Washington and let the Senator from Washington be recognized.

But let me talk about the money a minute. Seventeen State legislatures, including Tennessee, have passed legislation against REAL ID. We do not want it. We want something else. But for those who do have it, they have to get cracking because it says here: States have to be ready to comply with these new measures by May of next year.

The Department of Homeland Security has not even issued final regulations about what the compliance must be. But the Department, thanks to the good work of Senator COLLINS and others with an amendment we had earlier this year, has agreed to grant waivers to States for delayed implementation. So States have a little bit of time to work on this, if they choose to.

But 17 States do not want to. However, we have a principle here called federalism. Much of it is incorporated in the 10th amendment to the Constitution. I see our constitutional expert, the Senator from West Virginia, on the floor. When I was Governor, I said on the floor many times, nothing made me madder than when some Congressman or Senator would stand up with a big idea, pass it, hold a press conference taking credit for it, and send the bill to me. I would have to either raise tuition or cut this or change that, and then that same Congressman would be home making a big speech about local control the next weekend.

I did not like that. It was called unfunded Federal mandates. I have also stated many times on this floor that the Republican Congress got elected in 1994 running against these mandates. They stood on the steps of the Capitol in 1994 with Newt Gingrich. They said: No more unfunded mandates. If we break our promise, throw us out. Maybe that is one of the reasons they did throw us out, because we forgot that promise.

We forget it with REAL ID because, according to the National Governors Association, implementing it would cost $11 billion over 5 years. The Department of Homeland Security itself expects the cost to reach $20 billion over 10 years.

Today, the Federal Government has appropriated only $40 million for the States to comply with those mandates, even though it could cost $20 billion over 10 years.

We are not supposed to be doing that. If we want to require it, we should pay for it. My view of unfunded mandates is we ought to either fund REAL ID or we ought to repeal it. We should not require it unless we are going to pay for it. I see the Chair, the distinguished former Governor himself, the Senator from Nebraska. When I described how I felt about unfunded mandates as Governor of Tennessee, I imagine he felt exactly the same way. I have sought, working with Senators COLLINS, WARNER, VOINOVICH, and KYL, to identify a way to begin to deal with this issue of the unfunded Federal mandate. That is where this $300 million amendment comes from.

The National Governors Association met last weekend. They issued the following statement regarding REAL ID:

> If Congress is truly committed to transforming REAL ID into a reasonable and workable law that actually increases the security of our citizens, it must commit the Federal funds necessary to implement this Federal mandate. As the Senate considers the Homeland Security appropriations bill for fiscal year 2008, the Nation's Governors urge Senators to support Senator ALEXANDER's efforts to begin funding the mandates imposed by REAL ID. States estimate the cost of REAL ID will exceed $11 billion over 5 years, including $1 billion in up-front costs merely to create systems and processes necessary to implement the law and prepare to re-enroll all 245 million driver's license and identification cardholders. To date Congress has appropriated only $40 million to assist States.

I only have one more point to make. Then I will yield the floor and reserve the remainder of the time.

The chairman of the Appropriations Committee and the ranking member allowed me to discuss this and bring up this amendment during committee deliberations. I thank them for that. I offered offsets from other funds that States were receiving. A majority of the members of the committee didn't like the offsets. That is not so unusual in the world in which we live. My amendment was defeated in the Appropriations Committee. I am coming to the floor with a different offset. It is 0.8 percent across the board cut in the rest of the bill. I know very well that the chairman of the committee and the chairman of the subcommittee and other Senators don't like that offset, but I suggest to my colleagues that there are others of us who don't like underfunded Federal mandates. If the Congress is going to impose on the States a $20 billion cost over 10 years, then we should pay for it. We have only appropriated $40 million.

As the Governors said, it is time for us to move ahead and appropriate $300 million this year, only a downpayment on what we should pay, and if the offset we adopt today is not the one the chairman and others would prefer, then perhaps there is an opportunity during conference on an this appropriations bill of $37.6 billion to make that adjustment.

I thank the managers of the bill for giving me a chance to bring the amendment to the floor. I will yield the floor and wait to see if Senator COLLINS or others decide to come. If they do not come, I will yield back the rest of my time except for 2 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very able Senator from Tennessee

for his amendment. It highlights another shortcoming in the President's budget. When it comes to homeland security, the President—and I speak most respectfully of the President; I always do—likes to rob Peter to pay Paul. Regrettably, in an effort to help States deal with the cost of REAL ID, the able Senator proposes to do the same thing. The able Senator proposes to do the same thing by using an across-the-board cut. I don't like across-the-board cuts. That cuts into programs that hit a lot of people, all good people.

I rise to oppose the amendment. The President's budget fails to address the mandate imposed on States by the REAL ID Act. According to the National Governors Association, it will cost States $11 billion to implement the REAL ID Act.

Yet the budget did not include one thin dime to help the States with this Federal mandate. Meanwhile, the Department has let $35 million which Congress appropriated in 2006 for REAL ID implementation sit in the Federal Treasury unspent for almost 2 years.

Let me say that again: The Department has let $35 million—that isn't just chickenfeed—which Congress appropriated in 2006 for REAL ID implementation to sit in the Federal Treasury unspent for almost 2 years. I share the concern of the Senator that this law, which was jammed down Congress's throat in an unamendable war supplemental, will impose serious costs on our States. However, given that there is $35 million still sitting at the Department and that we have no request from the White House, this bill is not the place to fix this problem.

This amendment would hamper the Department's ability to secure the Nation. For example, this cut would result in the reduction of 416 transportation security officers at the same time air travel has been increasing approximately 3 percent each year and the TSO workforce has decreased or stayed flat each year. It would also occur at a time when the aviation sector is at a heightened alert status. Let me say that again: It would also occur at a time when the aviation sector is at a heightened alert status. The Federal air marshals would reduce coverage of critical flights. The Coast Guard would be unable to respond to projected search-and-rescue cases, thus endangering the lives of citizens and property, interdict a projected increase in migrants, marijuana, and cocaine, and remediate anticipated oil and chemical spills, further degrading our natural resources. This cut would delay the recapitalization of the Coast Guard's fleet, further exacerbating maritime and aviation operational gaps.

The President's budget requested—and the committee supports—funding for 3,000 new Border Patrol agents. Furthermore, this reduction would cut that increase in agents to 24. Additionally, the National Guard forces currently supporting Operation Jump Start on the southwest border assisting the Border Patrol will begin leaving the border this summer. Once again, the Border Patrol will be forced to move agents back from the border to perform administrative duties.

Additionally, the committee's bill includes funding to support a total of 4,000 new detention beds, bringing total detention beds to 31,500. Moreover, this reduction would cut that increase by 32 beds. Are you listening? Given that the average length of stay in a given detention bed is approximately 40 days, losing 32 beds means we have lost the space to detain approximately 300 illegal aliens annually. Are you still listening? We have spent the past 2 months debating immigration reform and the need for detention beds. A cut like this turns that debate on its head.

The President's budget requested and the committee bill supports funding of $1 billion—that is $1 for every minute since Jesus Christ was born—for fencing infrastructure and technology along our still porous border.

If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. Let me say that again: If we have learned nothing during the debate on the immigration bill, it is that the American people and a majority of the Senate want to secure our borders. A cut like this moves us in the exact opposite direction. First responders' State formula grants would be cut below the fiscal year 2007 enacted level; ironically, the level approved under a Republican-controlled Congress.

The practical implication of this will be: First responders will go without up-to-date personal protective equipment; fewer critical infrastructure facilities, including chemical and nuclear, will have a security buffer zone; public transportation, a known target by terrorists overseas, will be less secure.

I urge my colleagues to oppose this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thought the distinguished Senator from Tennessee made a very compelling argument about this amendment, which he has offered. We have heard him discuss his ideas on federalism, and there is no better proponent of clear thinking on that issue than the Senator from Tennessee.

But what occurred to me when I was sitting here is that I have heard some of these arguments before. I started thinking back to the hearings that were held and the markup sessions that were held in the Governmental Affairs Committee, the committee of legislative jurisdiction, when the Department of Homeland Security was being created by Congress to more effectively—with a better Federal organization of talent and wherewithal—cope with the challenges from threats to the security of our homeland. Many of these issues were discussed in great detail.

I remember the Senator from Connecticut, in particular, Mr. LIEBERMAN, being in a position of leadership on the committee at that time. We had other talented Senators working on that authorizing legislation.

What is happening to us, I am afraid, is as we get about the business of implementing the changes in our laws that were made by the creation of this new Department, and the creation of new agencies to implement and carry out these responsibilities in a coherent way—the policymakers have their guidance from that legislation, but we now here are considering an appropriations bill. We are not at a point where we are going back and reviewing in an oversight hearing or in a consideration of changes that ought to be made in the law. We are appropriating the funds to give to the Department and the agencies that were created and given these responsibilities.

So to come in now with an amendment—and I hate to argue against this amendment because the eloquent argument on its behalf was very impressive, but this is the wrong vehicle and this is not the right way to deal with the problem. If we have made an error in requiring too expensive, too stringent, too illogical, unworkable requirements or laws, let's change them. Let's change them. But let's not try in an Appropriations Committee to halfway fund our needs. We do not have the money to pay for this program. That was pointed out very clearly.

The REAL ID program is hugely expensive, and at some time there will be a day of reckoning. Maybe we are fast getting there. We have heard the warnings. I think we should heed the warnings and urge the legislative committee to think about modifying the authorities and the directives that are contained in the law—make it affordable, for one thing; decide, are State and local governments going to share the responsibility for these costs or is the Federal Government going to build up a huge Federal deficit trying to pay for the costs on an annual basis through the annual appropriations bills.

Well, anyway, as my law school dean used to say, it is not a horse that is soon curried. This is something that is going to take some time and effort, and we need to rise to the challenge the Senator from Tennessee presents to us and come up with a more thoughtful and workable and affordable way to deal with this issue.

So I am going to oppose the amendment because I think it should be done legislatively, and the problem cannot be solved with adding money and adding new language which is legislative in nature. I hope the Senate will carefully review the options we have and try to do the responsible thing.

Mr. LEAHY. Mr. President, the REAL ID Act was legislation forced through Congress as an add-on to the emergency supplemental bill passed in May 2005, without any Senate hearings

or debate, but the implications of the Act are enormous. In addition to numerous privacy and civil liberties concerns, REAL ID is an unfunded mandate that could cost the States in excess of $23 billion.

As hearings in the Judiciary Committee and Homeland Security and Government Affairs Committee have shown, REAL ID is far from being ready for primetime. In fact, the Department of Homeland Security has not even released final regulations directing the States on REAL ID implementation. With 260 million drivers in this country, I do not see how we could have the massive national databases required by REAL ID up and running in the next 5 years—much less in fiscal year 2008.

On top of that, even though they are not even in production yet, REAL ID cards are rapidly becoming a de facto national ID card since they will be needed to enter courthouses, airports, Federal buildings, and now workplaces all across the country. In my opinion, REAL ID raises multiple constitutional issues whose legal challenges could delay final implementation for years, and we should not support the Alexander-Collins amendment.

In May, the Department of Homeland Security Data Privacy and Integrity Advisory Committee expressed concern over several items in the REAL ID proposed regulations and said that they pose serious risks to individual privacy by: failing to establish a standard for protecting the storage of personally identifiable information; failing to provide methods for Americans to inquire or complain about the collection, storage, and use of personal information and remedy errors; failing to require notifying consumers of information collection and use by the State; failing to require that individuals have a choice over secondary use of that information; and failing to assure that the information collected for a specific purpose is used only for that purpose.

Congress should not fund the REAL ID program until the Department of Homeland Security makes fundamental reforms to the program and stops forcing such onerous provisions on the States. In addition, with this amendment offset by an across-the-board cut from all DHS programs, I don't think we should be robbing from other critical Homeland Security accounts—where we have seen real gains in securing our country—to pay for just 1 percent of the floundering REAL ID program.

REAL ID is not popular in our States, and opposition spans the political spectrum, from the right to the left. A large number of States have expressed concerns with the mandates of the REAL ID Act by enacting bills and resolutions in opposition.

Seventeen States have enacted statutes or resolutions against REAL ID, including Hawaii, Washington, Idaho, Nevada, Montana, North Dakota, Colorado, Nebraska, Oklahoma, Missouri, Illinois, New Hampshire, Maine, Arkansas, Tennessee, Georgia, and South Carolina.

Washington, Georgia, Oklahoma, Montana, South Carolina, New Hampshire, and Maine have gone so far as to indicate that they intend to refuse to comply with REAL ID.

Ten States have had statutes or resolutions pass one chamber of their legislature, including Oregon, Utah, Arizona, New Mexico, Wyoming, Minnesota, Louisiana, West Virginia, Pennsylvania, and Vermont.

Another 10 States have had statutes or resolutions introduced in their legislatures, including Alaska, Texas, Wisconsin, Michigan, Kentucky, Ohio, New York, Massachusetts, Rhode Island, and Maryland.

The reaction to the numerous privacy concerns and unfunded mandates of the REAL ID Act is a good example of what happens when the Federal Government imposes itself rather than working with the States to build cooperation and partnership. Since so many States have risen up in opposition to REAL ID, we should not fund this failed program, and I urge a ''no'' vote on this amendment.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I know Senator COLLINS, Senator VOINOVICH, Senator WARNER, and Senator KYL—all cosponsors of the bill—had hoped to speak, but I am not sure any of them are able to come now, so I wish to reserve 2 minutes prior to the vote, but other than that, I say to the managers and to the distinguished chairman of the committee that on this side we are ready to go forward.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we do have one other Senator who wants to come and speak on this amendment. I think he will be here shortly.

If there are no other Senators who want to speak at the moment, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, so everyone knows what is happening, Senator TESTER is going to be here in a minute to speak for several minutes. Senator ALEXANDER has a few minutes remaining. At the end of that time, we will be moving to a vote on the underlying amendment, so I hope all Senators are close by the floor.

Mr. President, I see the Senator from Montana is in the Chamber and I ask him how much time he is going to use.

I believe the Senator from Montana will be using 5 minutes. Senator ALEXANDER will be using a few. So a vote will be imminent.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise in strong opposition to the Alexander amendment. It is a bad idea. The amendment would take away $300 million from port security, rail security, and all the grant programs that fund the first responders in each of our home States. It would rob the Border Patrol, Customs Enforcement, and the Coast Guard of the resources they need to keep our Nation safe. It would be robbing Peter to pay Paul.

The amendment would take $300 million and give it to departments of motor vehicles. Let me say that again. This amendment takes funds off the border, and gives funds to departments of motor vehicles. That is because the REAL ID Act will require every citizen to obtain a new driver's license from your State. To do that, you will need a birth certificate, your Social Security card, and some way of verifying your current address. It applies to everyone.

It will require States to reissue more than 245 million driver's licenses—let me say that again. It will require States to reissue more than 245 million driver's licenses—only after certifying that the person requesting the document is an American citizen or in the country legally. States are also being asked to build a whole new set of databases and other information technology to link up with the Federal database and with other States.

All in all, the national ID system will cost $23 billion—with a ''B''—$23 billion for the States to implement, and we are going to take away $300 million from port security and rail security and first responders in our home States and think that is going to make a difference.

This amendment would only provide 1.3 percent of that $23 billion cost. That does nothing to help the States. In fact, it is an afront to them to say ''we hear your complaints,'' and then provide them with a 1-percent solution.

Beyond the funding issues this amendment creates, endorsing REAL ID would be a real mistake. The REAL ID Act puts massive new Federal regulations on the States. From new databases and fraud monitoring, to new network and data storage capacity, the States will be tasked with an enormous range of new regulations and new requirements.

Once REAL ID becomes effective, every State's department of motor vehicles will have to play immigration official. DMV workers will be tasked with reconciling discrepancies in Social Security numbers with the Social Security Administration. Departments of motor vehicles will have to require proof of ''legal presence'' in the United States from immigrants.

REAL ID also creates enormous privacy concerns. REAL ID is a national

ID card. Make no mistake about that. Every citizen who wants to get on a plane, who wants to enter a Federal building, and, possibly, who even wants to get a job will have to be a part of it. We should not be funding something such as that without a real debate in Congress about the wisdom of such a program.

One month ago, 52 Senators voted to prohibit the expansion of REAL ID in the immigration bill. I hope we do not retreat from that progress by suddenly agreeing to this amendment to fund—at a 1-percent level—REAL ID. The way to improve our country's homeland security is not by outsourcing it to the States' Department of Motor Vehicles. Our security is improved by hiring more border agents, strengthening Customs and the Coast Guard, and ensuring local law enforcement has the tools they need to prepare for and respond to terrorist threats.

This amendment sets the wrong priorities for homeland security, and I urge its defeat.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, if I might ask the managers of the bill, if I am not mistaken, after my 2 minutes, we can proceed to a vote?

Mrs. MURRAY. Will the Senator repeat his request?

Mr. ALEXANDER. If I am not mistaken, after the 2 minutes I have, we may proceed to a vote?

Mrs. MURRAY. That is correct. He can speak for 2 minutes, and I will then make a motion at the end of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, I agreed with the last half of the Senator from Montana's statement, but the first half was an eloquent argument for a $20 billion unfunded mandate for the States of Montana and Nebraska and Tennessee and everybody else. If we are going pass it, we ought to fund it. And if we are not going to fund it, we ought to repeal it. That is my position.

We passed the law in 1995, the Federal Unfunded Mandate Act, but the REAL ID program imposes on the States, according to the Department of Homeland Security, an up to $20 billion unfunded mandate. It will require up to 245 million of us to go in and prove we are lawfully here and stand in line at our driver's license offices. Seventeen States have said they don't like it, including mine.

The National Governors Association meeting in Traverse City, MI, last week generated a letter to all of us saying: If you are going to require it, fund it. That is what we are beginning to do.

If you think the passport backlog is a big problem, wait until the driver's license backlog comes if we don't properly fund REAL ID or repeal it. There will be weddings. There will be vacations. There will be honeymoons. There will be trips. But there will be work days messed up. There will be a lot of mad Americans, and rightly so.

So this amendment would make a small installment payment of $300 million for the REAL ID program we imposed on the States. Surely the conference can find, in a $37.6 billion bill, $300 million to do what we are supposed to do. If we require it, we should fund it. The Republican Congressmen were right in 1994 when they said it, and if we can't remember that, they should throw us out.

I urge a ''yes'' vote on behalf of myself, Senator COLLINS, Senator WARNER, Senator KYL, and Senator VOINOVICH, the cosponsors of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I move to table the amendment.

Mr. COCHRAN. 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 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), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay.''

The PRESIDING OFFICER (Ms. KLOBUCHAR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 44, as follows:

[Rollcall Vote No. 279 Leg.]

YEAS—50

Akaka	Feingold	Murray
Allard	Gregg	Nelson (FL)
Baucus	Harkin	Pryor
Bayh	Inouye	Reed
Biden	Kennedy	Reid
Bingaman	Kerry	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Shelby
Clinton	Levin	Snowe
Cochran	Lieberman	Stabenow
Conrad	Lincoln	Sununu
Craig	Lott	Tester
Crapo	McCaskill	Webb
Dorgan	Menendez	Whitehouse
Durbin	Mikulski	

NAYS—44

Alexander	Chambliss	Enzi
Barrasso	Coburn	Feinstein
Bennett	Collins	Graham
Bond	Corker	Grassley
Boxer	Cornyn	Hagel
Bunning	DeMint	Hatch
Burr	Dole	Hutchison
Carper	Domenici	Inhofe
Casey	Ensign	Isakson
Klobuchar	Nelson (NE)	Thune
Kyl	Roberts	Vitter
Lugar	Sessions	Voinovich
Martinez	Smith	Warner
McConnell	Specter	Wyden
Murkowski	Stevens	

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The motion was agreed to.

Mr. DURBIN. Madam President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTES

Mr. DORGAN. Madam President, on rollcall 279, I voted ''nay.'' It was my intention to vote ''yea.'' I ask unanimous consent that I be permitted to change my vote. It will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I came in at the end of the vote intending to vote against Senator ALEXANDER's amendment and did not look close enough. It was actually a tabling motion. So I would not want to vote to table Senator ALEXANDER's amendment.

I thank the Presiding Officer.

Mr. BAYH. Mr. President, on rollcall vote No. 279, I voted ''nay.'' It was my intention to vote ''yea.'' Therefore, I ask unanimous consent that I be allowed to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above orders.)

Mr. DURBIN. Madam 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. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RULE XVI

Mr. DORGAN. Madam President, let me make one additional point I did not make earlier in the discussion in the Senate, and I think it is an important point to make.

There was a suggestion on the floor of the Senate by a Senator earlier that rule XVI has been applied in this Senate in a manner that was unfair. That is simply not the case. Every Senator has the right to raise the issue of rule XVI if someone is trying to legislate on an appropriations bill. It was done, as another Senator suggested, with respect to Senator GRAHAM; it was done with respect to something they offered on the floor. Everyone has that right.

But let me make this point: It is not unusual to legislate on an appropriations bill in circumstances where what is being done is something that is done almost by unanimous consent, a provision that everyone agrees with, a provision that is noncontroversial. That is

not unusual at all. That happens all the time.

Now, I am frankly surprised there is anyone in this Chamber who would disagree with the proposition that we ought to get quarterly classified, top-secret reports on what is happening to try to eliminate the al-Qaida leadership that apparently is now in a safe haven in the tribal area of Pakistan. I didn't expect that to be controversial. I didn't expect there would be one person in this Senate who would disagree with that. But, apparently, there is. He has that right. But it is an unfortunate circumstance that we had a situation that allows, or a situation that persuades someone to stand up on the floor and say there is a double standard on rule XVI. There is no double standard. There is not one person in the Senate who believes that, outside of the person who said that. There is no double standard. The standard is applied in exactly the same way to every Senator.

What is unusual to me is objecting to the standard of allowing what normally would be uncontroversial, or noncontroversial provisions—including this one, saying it ought to be our top priority to eliminate the leaders of al-Qaida, and that the Administration should give Congress quarterly reports on what is being done to address the greatest terrorist threat to our country. I am flabbergasted. I am enormously surprised that would be controversial with anyone in the Senate. I would expect 100 Senators would agree with that proposition, but one, apparently, does not.

So we will have that debate again. We will have the debate at another time. As I said earlier, we have already added the same amendment to the Defense authorization bill. That was an amendable bill. That bill has been taken from the floor at this point, but I assume it will come back.

I did wish to make the point on behalf of every Senator, except the person who said this, that there is no double standard on rule XVI. Those who suggest that, profoundly misunderstand, apparently, the rules of the Senate. But there should not be a misunderstanding in this Senate about the urgency of at least 99 Members of the Senate wanting to go after and eliminate the leadership of al-Qaida. I would hope that would represent everyone's determination.

Al-Qaida is the terrorist organization that represents the greatest terrorist threat to this country, right now, according to the National Intelligence Estimate; and al-Qaida and its leaders are the ones who boasted about murdering 3,000 or more innocent Americans on 9/11/2001.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, what is the pending business? Madam President, regular order.

The PRESIDING OFFICER. The regular order is the Grassley amendment.

AMENDMENT NO. 2444, AS MODIFIED

Mrs. MURRAY. The Grassley amendment, No. 2444, is the pending amendment. I understand that there is a modification at the desk. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

The amendment (No. 2444), as modified, is as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available to the Office of the Secretary and Executive Management under this Act may be expended for any new hires by the Department of Homeland Security that are not verified through the basic pilot program required under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note).

Mrs. MURRAY. Madam President, I believe that amendment is agreed to at this time, as modified.

Mr. COCHRAN. Madam President, this amendment has been reviewed. We have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment (No. 2444), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2416 WITHDRAWN

Mrs. MURRAY. Madam President, am I correct under regular order the pending amendment is now Schumer amendment No. 2416?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, I ask unanimous consent to withdraw Schumer amendment No. 2416 that is pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2461, AS MODIFIED

Mrs. MURRAY. Madam President, I understand now under regular order the next pending amendment is Schumer amendment No. 2461, and there is a modification at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, we have talked with the minority. I do believe this amendment, as well, is agreed to.

Mr. COCHRAN. Madam President, there is no objection to proceeding to consider that amendment.

The PRESIDING OFFICER. Without objection, the amendment is modified.

The amendment (No. 2461), as modified, is as follows:

On page 19, line 26, strike ''$524,515,000'' and insert ''$521,515,000''.

On page 18, line 2, strike ''$5,039,559,000'' and insert ''$5,042,559,000''.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2461), as modified, was agreed to.

Mrs. MURRAY. Madam President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2447

Mrs. MURRAY. Madam President, under regular order the next amendment is Schumer amendment No. 2447. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. I believe that amendment also has been agreed to on both sides.

Mr. COCHRAN. Madam President, we have no objection to proceeding to consider the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2447) was agreed to.

AMENDMENT NO. 2462

Mrs. MURRAY. Madam President, under regular order is the next item of business the Dole amendment, No. 2462?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Madam President, at this time we are hoping Senator DOLE can be on the Senate floor. We are working our way through these amendments really well at this point. We do have a number of Senators who have their amendments in order. I advise all of them to stay close by the floor. We are trying to work our way through them. As soon as Senator DOLE arrives on the floor, we will try to work out an agreement with her and hopefully move forward.

AMENDMENT NO. 2476 WITHDRAWN

Madam President, I ask unanimous consent to withdraw amendment No. 2476.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from West Virginia is recognized.

AMENDMENT NO. 2497

Mr. BYRD. Madam President. I have an amendment that I will offer at the appropriate time.

Madam President, in this technological age of vehicle barriers, ground-

based radar, camera towers, and unmanned aerial vehicles, I am pleased to note that the U.S. Border Patrol still guards America's southwest border in a timeless and very American manner, on horseback.

Unfortunately, sometimes these horses are injured or simply are no longer fit for such rigorous service. When that happens, the Border Patrol must make the decision to either put the horse out to pasture, or, in some cases, as the only humane option, to relieve the poor animal's suffering and put it to sleep. Before that happens, my amendment would ensure that the Border Patrol provides the trainer or handler of the horse with an opportunity to adopt it.

This is a very simple amendment. The Bureau of Land Management within the Department of the Interior already has a horse adoption program, which I encourage the Border Patrol to use as a model for creating its own program. My amendment would also ensure that such an adoption program includes appropriate safeguards to ensure that a horse, once adopted, is not sold for slaughter or treated inhumanely. This amendment would make 20 horses available for adoption per year within the Homeland Security Department. It is the humane and decent thing to do for these noble animals which help to secure our borders and keep our citizens safe.

I urge the adoption of my amendment when it is offered later today.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I rise today to praise the work of Senator BYRD, Senator INOUYE, Senator COCHRAN, Senator STEVENS, Senator MURRAY, and the entire Appropriations Committee for the work they have done on the Homeland Security Appropriations Act for fiscal year 2008. This is a strong bill. It is an essential bill to protect our homeland.

Our foremost duty here in the Congress is to make sure we are protecting America, and this bill is a significant step in the right direction. I agree with Senator BYRD and the majority leader that this must be the first appropriations bill for this fiscal year and that we must pass it this year. I hope we will pass it later today.

A government's primary responsibility is in the protection of the homeland and keeping its citizens safe from attack. This bill will help us secure our borders, train and support our first responders, prevent the transport of nuclear materials, and strengthen our defenses against terrorists.

We need not look far to understand the threats that face this country. September 11 brought the specter of terrorism to the front door of America. September 11 illustrated tragically and horribly the great threat extremist groups can pose to the United States. But September 11 is not the only terrorist attack we or our allies have endured in recent times. In 2002, a bomb in Bali killed 202 people and wounded 209. In 2004, bombs on trains in Madrid killed 191 people and wounded over 2,000. In 2005, attacks on London's Underground killed 52 commuters and injured 700. The list goes on and on.

The State Department reports that the number of incidents of terrorism worldwide has grown dramatically in recent years. Between 2005 and 2006, the number of incidents rose from 11,000 to over 14,000. Three-fourths of these incidents resulted in death, injury, or kidnapping. All told, terrorism claimed the lives of more than 74,000 people around the world last year.

Americans today know that they are not immune from attack. We know America is not immune from attack. We also know violent extremism is posing a growing threat to our society and to that of our allies. Americans expect their Government to respond to these threats with adequate resources, sound policies, and strong leadership.

Unfortunately, our homeland is not as secure as it should be. A recent survey revealed that national security experts on both sides of the aisle agree that we have not come as far as we should have over the last 6 years. They agree that the Department of Homeland Security is underperforming. They agree that intelligence reform has not been effective. And they agree that too few resources are being allocated to the defense of our homeland and our Nation.

The reports of holes in America's armor, from inadequate rail security to insufficient funding for screening at ports, along with the Government's recent record of failed responses to national disasters, such as the bungled leadership of Hurricane Katrina to a lack of National Guard equipment when a tornado tore through the State of Kansas—those incidents underline the urgency of passing a strong and smart bill that funds our homeland security.

I wish to briefly describe three ways in which the additional funding in this bill is vital for our security.

First, the funding levels allow us to improve security at the border and to enforce our immigration laws. Just a few weeks ago, during our immigration debate on this floor, we all agreed that we must get control of our border and know who is coming into this country. Now it is time for us to walk the walk. The bill before us would allow us to hire additional Border Patrol agents to protect our borders. It also includes funds for additional border fencing, infrastructure, and technology to monitor the vast open spaces we need to monitor and control. It also provides an additional $475 million for enforcement of customs and immigration laws within the United States. Our Nation is and must be a nation of laws.

Second, I am proud that this bill supports our first responders—the firefighters, peace officers, nurses, and volunteers who rush in when others rush out. They serve us by devoting their time, their skills, their courage, and oftentimes their lives. We owe them the tools and resources they need to do their jobs. The bill before us provides money for State and local emergency preparedness programs, money for firefighter assistance grants in this program and funds for emergency performance grants.

I am particularly pleased that this bill restores funds to our first responder and State training programs for law enforcement and firefighter operations that the President had proposed to cut. This bill, however, funds these provisions, and that includes $525 million for the State Homeland Security Grant Program, $375 million for law enforcement and terrorism prevention grants, $560 million for firefighter equipment grants, and $140 million to hire firefighters.

I wish also to note that the bill makes a serious investment in the Federal Law Enforcement Training Center, the crown jewel of training centers for the law enforcement community. A bipartisan group of us added a provision to the 9/11 Commission bill to create the Rural Policing Institute at FLETC to address the particular law enforcement needs of rural America. This was a need that I saw. It was very clear to me as attorney general for Colorado. The rural sheriffs and peace officers whom I spoke with during all of the time that I was attorney general and in crafting the Rural Policing Institute legislation agreed that the Rural Police Institute would be a valuable addition to FLETC.

The $220 million in this bill for FLETC will help ensure that our peace officers continue to get the highest level of training they need as we deal with the reality we find in the post-9/11 world. It is going to be the eyes and ears and skills of the nearly 800,000 peace officers of America who will protect our homeland from the vicious kinds of attacks we saw in New York on 9/11, the vicious kinds of attacks that took 150-plus lives in Oklahoma City some years ago. So we must do everything we can to support our men and women who are in law enforcement at both the local and State level. This legislation does that.

Finally, in addition to providing better protection along our borders and ports and more tools for law enforcement and first responders, this bill helps us to prepare to recover from an attack or a disaster.

FEMA's response to Hurricane Katrina sounded the alarm bells for all of us. Unfortunately, not everyone seems to have heard them. Not only

does FEMA need better leadership and serious Congressional oversight, but it now needs the resources to do this job. The bill before us would provide $6.9 billion for emergency preparedness and response activity. That is a significant amount of additional money beyond what the President requested. Almost half of those dollars would go out to States and local preparedness programs.

Once again, I wish to reiterate my appreciation for the bipartisan leadership which Senator BYRD and Senator COCHRAN, Senator MURRAY, Senator INOUYE, Senator STEVENS, and the other members of the Appropriations Committee have shown on this bill.

It is right that this is the first appropriations bill that we consider because our homeland security must come first before everything else. The threat of attack on our soil is as great as it ever has been, and this bill is an important step toward ensuring America's first responders have the tools and the equipment and training they need to keep America safe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I rise to compliment the distinguished Senator from Colorado. In his statement, he is right on when he is talking about the fact that there is no other bill we have pending in the Senate that is more important than the bill we are considering here today, the funding of the Department of Homeland Security and the agencies which are charged with the responsibility of carrying out the authorizations that have been passed earlier creating the Department following the 9/11 attacks on our country.

This is serious business. I compliment the Senator on the manner in which he is carrying out his duties as a new member of this body—relatively new member. He has important committee assignments, and we appreciate the commitment he has shown during consideration of this bill and the discussion of amendments and the offering of amendments to try to help make sure that the work product we produce is the best we can produce for our great country and our homeland.

Madam 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. MARTINEZ. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE) Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I ask unanimous consent that the current amendment be set aside and I be permitted to speak on two amendments that I will call up, intend to speak on, and then ask that they be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2503 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment 2503 and ask that Senators KYL and GRAHAM be added as cosponsors.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for himself, Mr. KYL, and Mr. GRAHAM, proposes an amendment numbered 2503 to amendment No. 2383.

Mr. MARTINEZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the issuance and use of social security cards with biometric identifiers for the establishment of employment authorization and identity)

On page 69, after line 24, add the following:

SEC. 536. (a) USE OF BIOMETRIC SOCIAL SECURITY CARDS TO ESTABLISH EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)) is amended—

(1) in clause (ii)(III), by striking ''use.'' and inserting ''use; or''; and

(2) by adding at the end the following:

''(iii) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 536(c) of the Department of Homeland Security Appropriations Act, 2008, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 536(e)(1) of such Act.''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—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:

''(I) As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''.

(c) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(d) DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—The Commissioner of Social Security—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) shall, in consultation with the Secretary of Homeland Security, issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(e) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)), should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (c)(1) of this section, and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

Mr. MARTINEZ. I ask unanimous consent that Senators KYL and GRAHAM be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. In the course of the immigration debate, it became clear that one of the issues about interior enforcement that was so difficult for us to get our arms around was the issue of identifying who was here. It was the issue of duplicative Social Security numbers and cards and the ease with which those intent upon breaking the law could fraudulently create a Social Security card. It seems to me the time

has come for us to consider a biometric Social Security card. It would be a Social Security card that would fix this problem for interior enforcement and one that would be a foundational step toward having the kind of serious interior enforcement the American people want.

One of the things we heard over and over is, why don't we enforce the current law. The reason we cannot enforce current law is because there isn't a national way in which we can identify who is here legally and who is not when they apply for a job. It isn't fair to put employers in a position of employing someone about whom they may wonder whether they are here legally but that they wouldn't know because there is no verifiable way of finding out. They also would have no way of knowing whether in fact the card they were being presented was a real one or a fraud.

It would make substantial steps in securing and improving the employee verification system. This amendment would allow employers and employees alike to be sure their employment was lawful. It would provide a card with a photograph of every lawful guest worker, permanent resident or citizen that matches up with a photograph on file with the Social Security Administration or the Department of Homeland Security. It would also allow for phasing in this new card over a period of 10 years, upon which only biometric Social Security cards or a U.S. passport or green card would be valid for employment authorization purposes. It does not affect the use of driver's licenses for establishing identity. It does not become a national ID card. Rather, this amendment only addresses the use of the Social Security card which we already use and sets standards to protect against the use of fake Social Security cards. No lawful American or foreign visitor should have any legitimate concern. A new biometric card will go a long way toward ensuring that documents used for employment authorization are secure and fraud resistant. This card would help weed out fraudulent documents currently in circulation supporting illegal employment in our country.

AMENDMENT NO. 2503 WITHDRAWN

My understanding is this amendment, if offered today, would be subject to a rule XVI. It does in fact attempt to legislate and attempts to correct a serious problem we face in the country today.

At this time I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2413 TO AMENDMENT NO. 2383

Mr. MARTINEZ. I call up amendment No. 2413.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. MARTINEZ] proposes an amendment numbered 2413 to amendment No. 2383.

Mr. MARTINEZ. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that all funds for State and local programs be allocated based on risk)

On page 35, line 20, strike ''which shall'' and all that follows through ''3714):'' on line 26 and insert the following: ''which shall be allocated based solely on an assessment of risk (as determined by the Secretary of Homeland Security) as follows:

''(1) $900,000,000 for grants to States, of which $375,000,000 shall be for law enforcement terrorism prevention grants:''.

Mr. MARTINEZ. This is an amendment in which the senior Senator from Florida, Mr. NELSON, joins as a cosponsor. It is one that is tremendously important to make sure we have the best security for our Nation we can possibly have. The concept of this amendment is straightforward. It directs Homeland Security dollars to areas where the threat of attack by terrorists is the greatest.

It was no accident that when the terrorists attacked our Nation on September 11, they picked powerful, high-profile and heavily trafficked targets. Terrorists target areas where they can inflict the most damage and get the most attention. For those reasons, they focus on urban areas and areas of national importance or those that are, naturally, highly populated. One of the things that often gets overlooked is when you look at only the population in a certain place, oftentimes we overlook places such as Florida. In Florida, we have 70 million people from all over the world and certainly from all over the United States who visit as tourists. During any given day there are hundreds of thousands of tourists all over the State of Florida. This only adds to the population of our State at any given point in time.

On March 18, 2003, the Federal Aviation Administration proposed a no-fly zone over the Walt Disney world resort area because, according to the FAA, the Disney parks are a potential target of symbolic value. In a similar instance, Port Everglades in Broward County actually has more passengers, freight, and people moving through it than even the port of Miami. All of the cruise ships, tankers, and shipping traffic out of the Miami area actually sail from Broward County. These examples highlight the issues associated with regional influx. They underscore the need for additional security resources.

The whole State of Florida, in fact, now plays host to 77 million tourists a year. That is on top of the 17 million persons who call Florida home. We cannot overstate the importance of regional concepts and that models created by this amendment will encourage funding to be spent not only on our major cities but also on those regional centers that require by their nature special protections. On this issue, the Secretary of Homeland Security Michael Chertoff has weighed in with a consistent message.

In a letter the Secretary says:

Funding our first responders based on risk and need gives us the flexibility to ensure our finite resources are allocated in a prioritized and objective manner. The Department of Homeland Security strongly supports authorization language that would distribute Federal homeland security grant funds based on risk and need, rather than on static and arbitrary minimums.

At this time I do not intend to pursue this amendment and would in a moment ask that it be withdrawn. My understanding is that the 9/11 bill, the bill that gives life to many of the recommendations of the 9/11 Commission, is going to be accepted or is going to be voted on and accepted by the Senate. In that bill there will be a much better distribution of dollars in a way that is more in keeping with the risks our Nation faces.

AMENDMENT NO. 2413 WITHDRAWN

With that in mind, I will at this time ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 2404

Mr. MARTINEZ. I wish to take an additional moment to speak about amendment 2404 which will be considered later today.

Many other countries, including Israel, Canada, Japan, the United Kingdom, and the Netherlands, have successfully demonstrated how an international registered traveler program can work to ensure security, focus attention on lesser known travelers, and provide a smoother and more predictable travel schedule for repeat travelers. Amendment No 2404 attempts to create an international registered travelers program.

This amendment would authorize the Department of Homeland Security to establish an international registered traveler program to expedite the inspection of frequent U.S. and international travelers arriving by air into the United States.

The Secretary of Homeland Security is accordingly authorized to impose a reasonable fee to cover the costs associated with establishing and maintaining such an expedited inspection process and is tasked to coordinate such a program with the Department of State.

The Transportation Security Administration and private industry developed the Registered Traveler program here in the U.S. to provide expedited security screening for passengers who volunteer to undergo a TSA-conducted security threat assessment in order to confirm that they do not pose or are not suspected of posing a threat to transportation or national security. It has been quite successful. I believe this is something that can work.

If we can create an international version, it will go a long way in helping to develop more strategic ties with our allies abroad and show openness to investment and travel in America.

We fight all the time for travelers who have options to travel anywhere in the world to come to our country to be tourists. Certainly tourism areas in our country such as Florida, but like many others, Washington, DC, New York City, many national parks out West, many of the beautiful areas of our States are natural attractions for foreign travelers. But the foreign traveling public has options of where to go. Part of the decisionmaking process is cost and ease of traveling. I believe this is a well-thought-out amendment which will enhance our national security while at the same time allowing travelers to more easily find their way to our country in order to enhance the travel and tourism industry, which is of great importance in terms of our own tourism dollars, which keep many Americans employed.

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. CRAIG. 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. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no longer than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CRAIG are printed in today's RECORD under ''Morning Business.'')

Mr. CRAIG. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I believe the pending amendment is the Dole amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. SESSIONS. Mr. President, I send to the desk a second-degree amendment to the Dole amendment, No. 2442.

The PRESIDING OFFICER. The clerk will report.

Mr. SESSIONS. Mr. President, this second-degree amendment is a modest but important amendment. It would ensure that $2.5 million of the $51 million in this bill that is set aside for 287(g) training—and I will explain 287(g) training, but it is basically training of State and local law enforcement officers by Federal officials so that they can be of assistance to Federal officials——

The PRESIDING OFFICER. Would the Senator suspend a moment. The Parliamentarians are having a discussion about this amendment, which may be helpful.

Mr. SESSIONS. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I withdraw the second-degree amendment that I offered earlier, recognizing that there is some parliamentary question about it.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. SESSIONS. Mr. President, what I believe we should do, and the purpose of the amendment that I offered and am hoping we will be able to get accepted in some fashion, is modest, but it is an important step. It will require that $51 million be set aside in the underlying bill that is before us today for section 287(g) training; that is, training State and local law enforcement officers to be of assistance to Federal immigration officers, and that $2.5 million of the $51 million could be used to reimburse State and local training expenses.

Now, there are 65 pending training agreements out there right now, some of which are being executed and some of which are waiting to be executed. I would like to explain why I think this is important, fair, and commonsensical. It is something we should do.

Section 133 of the Immigration Reform and Immigration Responsibility Act of 1996 is codified as section 287(g), the Immigration and Nationality Act, the INA, and it has commonly been known as the 287(g) program. Under this program, States and localities can ask the Department of Homeland Security to enter into a memorandum of understanding. That is like a treaty between the State and the Department of Homeland Security. They enter into these agreements.

The Presiding Officer, as a former U.S. attorney, knows how these MOUs are. They enter into these agreements, and the agreements essentially provide that their local law enforcement officers be cross-trained to work with Customs enforcement.

The program clearly has not expanded at the pace we originally envisioned, but the tide is beginning to turn as to these issues and how we deal with the problem of illegal aliens. So today the number of illegal aliens in the United States is a staggering number. It is estimated at between 10 million to 12 million, with another estimated 800,000 arriving in our country each year. Last year, we arrested over 1 million.

One solution to address the problem is to increase partnerships between Federal immigration authorities and State and local authorities through such programs as the 287(g) program. It is something I know a little bit about. I was a U.S. attorney in Alabama for 12 years. I was attorney general for 2 years, and I traveled around the State and met with local law enforcement officers as attorney general and as U.S. attorney. Since I have become a Senator, I have asked them about how things work if they apprehend somebody they believe to be illegally in our country.

Let me tell my colleagues what they tell me without virtually any exception, except as we are seeing through this 287(g) program. But, fundamentally, what they have been telling me is they let them go. That is not just true in Alabama; it is true all over America. Local law enforcement officials who apprehend people they have every reason to believe—maybe absolute proof—that they are here illegally routinely are allowing the people they apprehend—maybe it is DUI, maybe it is for an accident or whatever, a domestic dispute—whatever it is, they are letting them go because somehow they have gotten the message that nobody will come and pick them up, and they don't know how to do it or who to call and what the processes are. That is what the 287(g) program is designed to deal with.

Now, it has been odd to me since I have sought to do something about this for quite some time, well before the comprehensive immigration reform bill was introduced in this Senate over a number of years ago to deal with it, there is always an objection. It was out of that objection that I made the comment one time that people will vote for any kind of immigration reform, as long as it is a reform that would not work. If you produce something that will actually work and actually help the system get better and more lawful, somebody objects. It becomes a big deal. So I think this is a commonsensical thing.

Our State and local officers are in the best position on a daily basis to come in contact with those unlawfully present here. We don't have Federal ICE agents, immigration agents throughout the country. Border Patrol people are just on the border. If you can get past the border—and that is one of the attractions of trying to get past the border—if you can get past it, you have a pretty good chance of being home free for some time.

I think we have about 5,000 Federal ICE immigration agents inside our country, but only about 2,000 of those are actively involved in enforcement operations. We have 600,000 to 800,000 State and local law enforcement officers, sheriffs, police officers, State troopers. They are out there on the roads every day.

Now, this bill and the training it provides on a 287(g) does not train and does not ask that the State and local officers do anything they don't want to do. They will not be compelled to participate in anything they choose not to participate in. It is a voluntary participation agreement. They are not called upon to participate in conducting raids to try to identify and find people who might be here illegally. Our goal would be to provide a situation in which they could assist the ICE officers during the course of their ordinary duties. If they come upon someone likely to be an illegal alien, they would take the proper steps, after they have been trained, to identify whether they are, in fact, illegal and take the appropriate steps in

conjunction with ICE to handle it in the proper manner.

Because of an interest I had in it for some time, the State of Alabama, I am proud to say, became the second State in the Nation to enter into one of these agreements. Our Governor, Bob Riley, thought it was the right thing to do. He is an excellent Governor. He took steps to do it some years ago.

To date, we have trained 60 State troopers in 3 classes of 20 each, and the Federal Government trained these troopers at the Center for Domestic Preparedness in Anniston, AL. But let me tell my colleagues what happened to the State as a result of their partnership and willingness to assist the Federal Government. They have to pick up the costs of this training. Each class costs Alabama an average of $40,000, for a total of $120,000 in State money, all designed to help ensure that our State troopers are knowledgeable on all of the correct, fair, just, and legal ways to deal with illegal entrants into our country, and to be able to assist the Federal agents in doing their duties.

I think one reason we have seen a fairly slow expansion of the 287(g) program is the fact that it costs the States a bunch of money. Now we have $51 million set aside here in this program for training. But they are not paying any of it, apparently, as of this date to refund the States for their costs of training. It takes some number of weeks in this training—more than I think is justified. It is 6 weeks, my counsel tells me. It is 6 weeks that they have to go through a training program.

I have to tell my colleagues, if you go through any town in the country, whether it is Alabama or anywhere else, and you are a Senator, and you are speeding through that town and you are drunk, some 19-year-old, 20-year-old police officer can put you in jail, put your rear end in the Bastille. He doesn't have to have special training on how to arrest a Senator. But we are going to give special training to our local police officers on how to arrest somebody who is not even a citizen of the United States of America. That is what Homeland Security wants and that is what they believe. Six weeks, in my view, is too much, for heaven's sake. But they want 6 weeks of training and they make them cross designated and very intense partners in this program. But if you take a police officer off the streets for 6 weeks, that is a drain on the State and local police departments, and we ought to be able to compensate them some for it, in my view.

Let me tell you what happened in my State. It has been rather remarkable. In the first 18 months of operation, the Alabama MOU has resulted in the seizure of over $689,000 in cash in connection with criminal immigration offenses. Pretty good action there. As of last year, the training of those troopers had already resulted in 54 indictments, including those for illegal entry, false claims to citizenship, fraudulent documents, and visa fraud. It resulted in 33 convictions, including Social Security fraud, prior deported aggravated felons, and visa fraud. These are in Federal Court, not State court. You cannot try people in State court for immigration offenses. They are picked up by the Federal prosecutors and they have to meet some seriousness standard before they would actually be prosecuted in Federal Court.

In addition to those I mentioned, there are six Federal charges pending disposition, including aliens with firearms. There are 13 Federal charges pending indictment. So this is a matter that has the potential to help us identify those who are here illegally and those who may pose a threat to our country. It could well be that the next person planning an attack somewhere in the United States may be one of those picked up because, as we know, of the 18 hijackers, several of them were picked up—some more than once—by State and local officers. But they had no way to access or did not access the actual history of these individuals to find out whether they were here legally and might otherwise be subject to arrest. If that had occurred and our system had worked effectively, it is conceivable that the case could have been broken before 9/11 occurred.

The 9/11 Commission did point out that we need to do a far better job in this area. The 9/11 Commission recommended we implement State and Federal training and law enforcement cooperation and enhance that ability. That was one of their firm recommendations. We have not done that to any significant degree at this point.

The first State to be accepted with an MOU was Florida. They also have a history of an effective program under 287(g). The ICE program provides local law enforcement with comprehensive training and, once certified, the officers remain basically under ICE's supervision under all matters relating to immigration. To address concerns voiced by immigrant interest groups, Federal, State, and local enforcement have engaged in significant outreach efforts with local immigrant communities and have not engaged in sweeps for undocumented aliens.

One of the greatest testaments to the success of a program is that in no instance has a complaint been filed against law enforcement officers as a result of the actions under this memorandum of understanding. It has gone extremely well without the kind of complaints that people have suggested might happen, and it has been an asset to the Federal Government and should be continued. It is already part of our law. We have provisions that allow for it. We have money set aside—$51 million in one area and $5 million in another area—but we don't have provisions to help the States defray the cost of their training.

Now, I will remind my colleagues of some of the objective reports since 9/11 that are important to us. One is the Hart-Rudman report. The report is entitled ''America Still Unprepared—America Still in Danger.'' They found that one problem America still confronts is that ''700,000 local and State police officers continue to operate in a virtual intelligence vacuum, without access to terrorist watchlists.'' The first recommendation of the report was to ''tap the eyes and ears of local and State law enforcement officers in preventing attacks.''

On page 19, the report specifically cited the burden of finding hundreds of thousands of fugitive aliens living among the population of more than 8.5 million illegal aliens living in the United States. They suggested that the burden could and should be shared with the 700,000 local, county, and State law enforcement officers if they can be brought out of the information void.

The final report of the National Commission on Terrorist Attacks upon the United States, the 9/11 Commission, released in the summer of 2004, also recognized the important role of State and local law enforcement officers in immigration law enforcement. Again, let me remind you, we have only a couple of thousand actively engaged Federal investigators inside our country to actually enforce immigration law. So how do we expect to intercept some of the individuals who may be plotting this very moment to attack? They may be here with false documents, or they may have gotten into the country legally and overstayed. How are we going to find them if we don't welcome the participation of State and local law enforcement officers? In the 9/11 Commission report, the section titled ''Immigration Law and Enforcement,'' the Commission found this:

> [T]oday, more than 9 million people are in the United States outside the legal immigration system.

Some say it is 12 million, but they say more than 9. Nobody can dispute that. They continue:

> There is a growing role for State and local law enforcement agencies. They need more training and work with Federal agencies so they can cooperate more effectively with those Federal authorities. . . .

To achieve that necessary collaboration, we must first clarify the authority delegated to each level of law enforcement and make it clear that State and local officers have authority to and are welcome to participate actively in the enforcement of immigration law.

My amendment will do that. It is something that is overdue, and we should do it. I remain a bit baffled by the objections that continue to be raised on this. I had occasion last year to participate with my chief counsel, who is here with me—Cindy Hayden—to prepare a law review article for the Stanford Law Review on the question of the authority of State and local law enforcement officers. It is somewhat complex, but it is not disputed that State and local law enforcement have the authority to detain people who

have come into our country illegally across our borders. They cannot prosecute them. They can detain them only for a reasonable period of time. They have to turn them over to Federal agencies. But they are able, with regard to criminal immigration offenses, to conduct such detentions as a complement to and as a part of their historic ability to assist in the enforcement of existing Federal law—and, indeed, citizens can make citizen arrests for violations in some instances. This has been a part of the law.

What is somewhat confused is that we have perhaps 40 percent of the people enter into our country legally, but overstay. Maybe that large a percentage of our illegal population are visa overstays. The Court of Appeals in California—our Nation's clearly most liberal, the Ninth Circuit—concluded that local officers do not have the authority to detain those visa overstayers. If you break across the border, that is clearly a criminal offense and detention can be had for that, they say, but not for the others. Two other circuits—the Tenth and Fifth—seem to indicate otherwise.

The Department of Justice did a memorandum at one point that said there was not authority for the detention of people in our country who have not committed criminal violations of immigration law. Then that opinion was withdrawn. So the matter is confusing. There was an article in the Washington Times newspaper about it yesterday. The article quoted one of the people as saying there are gray areas here. There was an article in the Huntsville, AL, newspaper about a meeting with the police and the lawyers and the city council about what they could do to participate in the enforcement of laws with regard to those in our country illegally. The lawyers told them there is some confusion there.

Well, it is not hard for us to clear up that confusion. The House of Representatives tried to do it in their first bill last year, so they made it a felony to overstay and enter the country illegally. That resulted in an uproar and people saying we are going to make felons of them and that was awful, so there was a big retreat from that. We have to figure out the best way to proceed with it.

My view is two things need to occur. We need better training of our State and local law enforcement that goes into their existing power so they know what they are able to do and they don't overreach; second, we need to pass legislation. But this is an appropriations bill and we cannot legislate on an appropriations bill. We are not able to offer an amendment that would change or would clarify what the powers of the local law enforcement are.

We should make it quite clear that they have the power to detain anyone in our country illegally. They can detain a Governor. They can detain a mayor. They can detain a Senator. Why can't they detain somebody who is not a citizen and is in the country illegally?

What do the American people think about this? Americans strongly value our heritage as a nation of immigrants. Americans openly welcome legal immigrants and new citizens. They value the character, the ability, the decency, and the strong work ethic of so many of those who have come to our country. However, it is also clear that Americans do not feel the same way about those who violate our laws. The fact is, a large majority feel that State and local governments should be aiding the Federal Government in stopping illegal immigration.

A Roper poll titled ''Americans Talk About Illegal Immigration'' found that 88 percent of Americans agree and 68 percent strongly agree that Congress should require State and local government agencies to notify INS, now ICE, and their local law enforcement when they determine that a person is here illegally or who has presented fraudulent documentation.

Additionally, 85 percent of Americans agree and 62 percent strongly agree that Congress should pass a law requiring State and local governments and law enforcement agencies to apprehend and turn over to the INS illegal immigrants with whom they come in contact.

So this amendment I have offered is far less reaching. Those numbers speak volumes about the instincts and the understanding of the American people about the enforcement of laws in America.

It is important to note that these responses were collected in response to questions about requiring State and local law enforcement action. The amendment I have offered does not require that, although it is mightily frustrating to see cities and certain jurisdictions open, call themselves sanctuary bodies, and assert to the whole world that not only will they not help in any way to enforce the law but will, in fact, not cooperate with the enforcement of Federal laws in their jurisdiction. To me that is inexcusable. It is an affront to our history as a lawful society, and I am troubled by it.

Again, the first step is we should do a better job of training local and State law enforcement officers, and, second, we should clarify their jurisdiction. If we do not do that, I don't think we are very serious about bringing under control illegal immigration in America.

I did offer a second-degree amendment earlier, and I withdrew it. I ask unanimous consent that I be allowed to modify Senator DOLE's amendment to include the language I proposed.

The PRESIDING OFFICER (Mr. NELSON of Florida). Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. MURRAY. Mr. President, I say to the Senator, there are a number of amendments we expect to be called up shortly. For the information of all Senators, we are working through the order we have in front of us right now. Staff is working through a number of amendments we think will be agreed to. At that point, we can work through the final amendments, and we will talk with the Senator about offering his amendment.

Mr. SESSIONS. I thank the Chair and thank Senator MURRAY.

I do feel strongly about this issue. We have talked about it for quite a number of years. It is time for us to get this matter settled and fixed. It is overdue. I look forward to working with the Senator.

I thank the Chair. I see other Senators have arrived.

I yield the floor.

Mrs. MURRAY. 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. THUNE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THUNE are printed in today's RECORD under ''Morning Business.'')

Mr. THUNE. I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have consulted with the Democratic manager of this bill, I have spoken to Senator COCHRAN, Senator MCCONNELL. We are going to plow on to finish this bill tonight.

Now, we have worked long and hard the last couple of weeks, late nights, and we may have to have one tonight. We really need to finish this legislation for all of the reasons we have all talked about before, not the least of which is we have so much to do next week that we have to finish this tonight. We also have some other things we are going to try to do, but everyone should be aware of that. Do not plan on going home for dinner tonight.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are making progress. We have been working through a number of amendments over the past several hours. I thank the majority leader, the minority leader, as well as the managers of the bill in helping us move forward.

AMENDMENT NO. 2496, WITHDRAWN

AMENDMENT NO. 2488, AS MODIFIED

I would just reiterate what Senator REID said earlier. I am happy that we

have finally resolved the issue regarding the amendment of the Senator from Louisiana. I believe we are at the point now where we can move forward on that.

I ask unanimous consent that the Cochran second-degree amendment No. 2496 be withdrawn; that the Vitter amendment No. 2488, as modified, be agreed to, and the motion to reconsider be laid upon the table with no intervening action or debate.

Mr. REID. And following the vote on that, that the Senator from Louisiana be recognized for 10 minutes to speak on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2488), as modified, was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, let me thank both the majority leader and the Democratic manager of the bill, Senator MURRAY, for their work, for their amicable resolution of this issue. I think it is a very good bipartisan, productive, amicable result. I appreciate all of you working together in that regard.

I also extend my thanks to Senator COCHRAN, the Republican manager of the bill, who was also very helpful in that regard in coming to a productive, amicable resolution. I appreciate all of that work.

I just wanted to underscore the importance of what we have done because I think this is a very important issue for the people of Louisiana, for the people of the entire United States.

Last year, on this very same bill, I joined with you, Mr. President, and we were successful in passing an amendment on the Senate floor, and then in the conference committee we were successful in passing a version of that out of the conference committee into law. That was an important step forward at the time to ensure we would not have Federal agents, we would not have the heavy hand, if you will, of the Federal Government coming down to rip out of people's grasp—U.S. citizens—pharmaceuticals they had bought properly in Canada as they were coming back into our country. I think the policy of doing that in the past was outrageous, particularly considering the sky-high prices American consumers face in the United States and the very different lower prices they face in Canada. So that step forward a year ago was very important.

I think what we just agreed to a few minutes ago, what will be on this bill, is an even more significant step forward because compared to what came out of conference and what was signed into law last year, this takes two additional steps.

First of all, we are no longer saying it is limited to prescription drugs on the person of an American citizen. What that means is that we are also including protection of Internet and mail order sales. That is enormously important for you, Mr. President, representing the State of Florida, and for me, representing the State of Louisiana. It is one thing for folks in Minnesota to travel to Canada and to come back; it is obviously a very different thing for folks in Florida or Louisiana to physically travel to Canada and come back. So compared to what we got passed into law last year, this is far broader and far more significant because it also covers mail order and Internet sales.

The second big difference is, again, what we passed last year was limited to a 90-day supply, and what we are passing on the Senate floor right now has no such limitation. Again, I think that is another significant step forward, a significant expansion of the law on the road to full-blown reimportation.

Again, I thank everyone who was involved in this very productive resolution. We got a resounding vote a year ago—68 to 32. We got, technically, even a better vote today, in the sense that it was voice voted, unanimous consent, so technically unanimous. We got a much broader provision today, which I think is a very important step forward on the road to my ultimate goal, which is full-blown reimportation with all the requisite safety provisions and authorizing language that would be involved.

Of course, we cannot do that authorizing legislation on this bill because it is an appropriations bill, but we can, we should, we must, on another vehicle soon, very soon, absolutely this year. I look forward to continuing to work with you, Mr. President, with other leaders on this issue, Senator SNOWE, Senator DORGAN, Senator THUNE, Senator DEMINT, and many others who completely support the ultimate objective of full-blown drug reimportation to allow American consumers unbridled access to safe, cheaper prescription drugs, including by mail order and the Internet.

Again, I believe the step we are taking here tonight, compared to what we were able to pass into law through the Vitter-Nelson amendment last year, is an important additional step in removing the limitation that it has to be on your person, so saying we can do it by mail order and the Internet, and by removing the limitation of a 90-day supply.

With that, I again thank all of the participants for this very positive, amicable, bipartisan resolution of the issue on this bill. I look forward to continuing to walk down this path toward the ultimate goal I share with you and so many others on the Senate floor.

I yield the floor.

Mrs. MURRAY. 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. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—5849

Mr. DURBIN. Mr. President, I ask unanimous consent that the majority leader, following consultation with the Republican leader, may at any time proceed to consideration of Calendar No. 127, S. 849, the Openness Promotes Effectiveness in our National Government Act of 2007; that the bill be considered under the following limitations: that there be a time limit of 2 hours of general debate on the bill, with the time equally divided and controlled between the chair and ranking member of the Judiciary Committee or their designees; that the only amendment in order be a Leahy-Cornyn technical amendment, which is at the desk; that upon the use or yielding back of time, the amendment be agreed to, the bill as amended be read three times, and the Senate vote on passage of the bill, with the above occurring without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Mr. President, it is my understanding that there are ongoing discussions with both sides of the aisle as well as the administration to come up with bipartisan, consensual language on this issue and that we are unable to clear the agreement at this time. Therefore, on behalf of several Republican senators, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DURBIN. Mr. President, I understand Senator COCHRAN has expressed the sentiments of some on his side of the aisle. I would like to say for the record that we have made this proposal for several months now. I think those who are trying to move this issue have shown extraordinary patience in trying to reach an accommodation, and this is no reflection on the Senator from Mississippi, who was not involved in this debate, that I know of. It only is a plea to those who are considering the merits of this legislation to try to do so in a timely fashion.

Mr. President, I would like to reiterate what the majority leader said earlier for those following the debate. If there are Members of the Senate of either political party who have pending amendments on the Homeland Security appropriations bill, we encourage you to come to the Senate floor as soon as possible and be prepared to call up your amendment. We are going to stay in session tonight until all amendments are disposed of. We will vote on final passage this evening, whatever time that may be. We hope it will not be a late-night session, but when there are many amendments pending and no Members on the floor, it is a frustrating situation for everyone.

So I hope that those who have amendments they care about will come forward as soon as possible, come to the floor and work to try to resolve those amendments, withdraw these amendments, or bring them to a vote.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

AMENDMENT NO. 2462

Mrs. MURRAY. Mr. President, the pending amendment, I believe, is the Dole amendment No. 2462; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I believe the amendment has been agreed to on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2462) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2449 WITHDRAWN

Mrs. MURRAY. Mr. President, the next pending amendment is the Dole amendment No. 2449. I believe that is the pending amendment.

The PRESIDING OFFICER. The Senator is correct.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I now ask unanimous consent that the following amendments be called up by the individual Senators, with the following time agreements, with no intervening action: amendment No. 2481, by Senator DEMINT; amendment No. 2516, by Senator SALAZAR; amendment No. 2498, by Senator SANDERS; that the Senators be allowed to speak for up to 10 minutes, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, with that we now have three Senators who will be calling up amendments.

I again say to any Senator who has an amendment they want to offer tonight, we are moving quickly to final passage. In a few minutes, we will have a number of amendments that have been agreed to on both sides. We will be calling those up.

Between now and then, the Senators I referred to will be speaking to their amendments and calling them up.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 2481 TO AMENDMENT NO. 2383

Mr. DEMINT. Mr. President, I call up amendment No. 2481.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 2481 to amendment No. 2383.

Mr. DEMINT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to remove offenses from the list of criminal offenses disqualifying individuals from receiving TWIC cards)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

Mr. DEMINT. Mr. President, I had an opportunity this morning to speak briefly about this amendment, and in the interest of time I will be brief again.

This amendment is about the security of our ports. Two times within the last year this body passed a bill that would prohibit access to convicted felons of secure areas of our ports. We passed it once in the SAFE Port Act, and that amendment was diluted when it came back. Also, we will find in the 9/11 Commission bill that will come back—we had passed it and put it in as part of that bill—it has been once again diluted.

This needs to be a serious consideration. We can spend billions and billions of dollars on screening and all kinds of equipment, but if one person in our ports turns away from something being shipped in and does not do the proper inspection and lets something in, we could be in a lot of trouble as a country.

So this amendment simply does not allow the Secretary to use funds to eliminate any of the felonies listed in the amendment. Please keep in mind, this list of felonies is one that has been adopted by the Homeland Security agency. It is very similar to the lists we use in our airports, which have protected us for a number of years.

It is very important we recognize that people who have been susceptible to criminal activity can be susceptible again. This is not that we do not want to give people a second chance, but second chances should not be at the expense of the security of this country.

So this amendment would disallow the use of funds to water down and eliminate any of the felonies listed in the Department of Homeland Security's list of those who are denied access to what we call the TWIC cards, which are the transportation worker identification cards.

So with that, 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 yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. SALAZAR. Mr. President, what is the pending business?

The PRESIDING OFFICER. The DeMint amendment No. 2481.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2516 TO AMENDMENT NO. 2383

Mr. SALAZAR. Mr. President, I call up amendment No. 2516 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. MENENDEZ, proposes an amendment numbered 2516 to amendment No. 2383.

The amendment is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—Notwithstanding any provision in this Act, the President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(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, 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) and (2).

(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.

SECTION 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is

achieved for all international land and maritime borders of the United States.

Mr. SALAZAR. Mr. President, I ask unanimous consent that Senator MARTINEZ and Senator GRAHAM be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I note at the outset this amendment is sponsored by Senator MENENDEZ, myself, Senator GRAHAM, and Senator MARTINEZ.

What it does, in a very simple statement, is say any funds we appropriate under this legislation with respect to our border security should be used to ensure the operational control that needs to be achieved for all our international land and maritime borders of the United States.

This is an important amendment because the earlier amendment, which I cosponsored with Senator GRAHAM, focused on the appropriation of moneys to go to the southern border, the border between Mexico and the United States. The fact is, those of us who are here working on homeland security should care and do care about making sure we have secure borders to this country, including our land and our maritime borders.

So what this amendment does is it directs that these expenditures of moneys can be spent in securing our land borders to the north and to the south as well as our maritime borders of the United States of America. It is an amendment which is important, and there is an important statement to be made here. Much of the attention we have been giving to the southern border, in terms of the broken borders we are trying to fix in this immigration debate, has taken away the needed amount of attention we should be focused on with respect to the other borders.

The fact is, we have a very broken system of immigration. We have a very broken system of our borders today in the United States of America. But it is not just the border with Mexico that is broken. It is also the border between the United States and Canada, and it is also our maritime borders that need additional security. So it is my hope that with this amendment we will be able to put attention on our maritime borders as well as our northern border.

I wish to give a couple of examples about why it is that this amendment is needed. If you look at the number of examples we have with terrorists and other people who would wish to do us harm, they come in from across the borders, many of them come into this country legally and then they overstay their visas.

One example of what we know from the north, and that is in December of 1999, the Jordanian police foiled a plot to bomb hotels and other sites frequented by American tourists. It was a U.S. Customs agent on the U.S.-Canadian border who arrested the person who was smuggling explosives intended for an attack on Los Angeles International Airport. So when we talk about homeland security and we talk about securing our border to the south, it is equally important we are securing our border to the north, and it is equally important we are securing our maritime borders as well.

Another example: Recently, a human smuggling ring running undocumented work immigrants into the United States from Canada was dismantled. This was a human smuggling ring that was bringing undocumented workers through Canada. That ring was responsible for bringing dozens of Indian and Pakistani immigrants into the country.

So I think these are examples that demonstrate if we are going to secure our borders, it is not just the border between Mexico and the United States that needs to be secured; it is all the borders of the United States of America.

I urge my colleagues to join with Senator MENENDEZ, Senator MARTINEZ, Senator GRAHAM, and me in the adoption of this amendment.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. DURBIN). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the unanimous consent agreement, the Senator from Vermont is now recognized for up to 10 minutes.

Mr. SANDERS. Thank you, Mr. President.

What is the pending business?

The PRESIDING OFFICER. The pending business is Salazar amendment No. 2516.

Mr. SANDERS. Mr. President, I ask unanimous consent that the pending amendment be laid aside so I can call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2498 TO AMENDMENT NO. 2383

Mr. SANDERS. Mr. President, I call up the Sanders-Feingold amendment No. 2498 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself and Mr. FEINGOLD, proposes an amendment numbered 2498 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prohibit funds made available in this Act from being used to implement a rule or regulation related to certain petitions for aliens to perform temporary labor in the United States)

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

Mr. SANDERS. Mr. President, let me begin by commending Chairman BYRD and Ranking Member COCHRAN for their outstanding leadership on this excellent piece of legislation. The fiscal year 2008 Homeland Security appropriations bill will make this country safer, and I thank Chairman BYRD and Senator COCHRAN for their hard work in crafting this bill.

The amendment I am offering now is, in fact, a very simple amendment. As you know, there is strong concern all over this country about the increase in poverty and the decline of the middle class. It seems to me—at a time when we are hemorrhaging millions of good-paying jobs; at a time when Americans are losing, by the millions, their health insurance, when moms cannot afford affordable childcare, people are losing their pensions—we have to do everything we can to make sure the policies we implement do not hurt low- and moderate-income families and make a bad situation even worse.

On the contrary, this Congress has to do everything we can to make sure we lift up wages—we lift up working conditions—and not push them down. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that, if implemented, could have a significant negative impact in terms of lowering wages and working conditions for American workers.

Specifically, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and replace it with a labor attestation process. State workforce agencies and the Department of Labor as a whole would no longer be involved in certifying that employers applying for H–2B visas are not displacing American workers or adversely affecting the wages or working conditions of U.S. workers.

The proposed regulations, for the most part, would only require employers to attest—to attest—to the Department of Homeland Security that they are following the law. All they have to do is say: I am following the law. Trust us. In other words, the Federal Government would take employers at their word that they are complying with the law, with little, if any, oversight.

Among other things, the proposed regulations fail to ensure H–2B visa work is temporary in nature. H–2B work is supposed to be temporary. The proposed regulations fail to ensure that no qualified American worker is available for H–2B positions. In other words, the employer is supposed to go out and make sure there are not American workers available for that position. The proposed regulations fail to require that H–2B employers do not adversely affect U.S. wages and working

conditions, all of which are required by current law. In other words, the law says an employer cannot pay low wages which have the impact of lowering wages for all workers in that area.

Now, let me very briefly read to my colleagues what the AFL–CIO has written about these regulations:

The proposed regulations would significantly weaken the ability of the Department of Labor and the Department of Homeland Security to meet the statutory requirements of the H–2B program as established by Congress and would establish a new regulatory system that would be arbitrary and capricious. Current administrative procedures have so far failed to adequately protect H–2B workers, domestic workers, and the domestic labor market. The proposed regulations, rather than addressing and remedying these fundamental flaws in current procedures, would only further undermine the administration's ability to ensure the H–2B program operates in full compliance with the law and in a rational manner. The proposed regulations are not only unacceptable to the AFL–CIO and to worker and immigrant advocates as a matter of public policy—if enacted, they would also constitute an unjustified and unauthorized derogation from the administration's responsibilities under the law.

In addition, according to a recent report by the Southern Poverty Law Center entitled ''Close to Slavery,'' H–2B workers are routinely cheated out of wages; forced to mortgage their futures to obtain low wage, temporary jobs; held virtually captive by employers or labor brokers who seize their documents; forced to live in squalid conditions; and denied medical benefits for on-the-job injuries.

The amendment I am offering today would prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations.

Given the serious abuses of the H–2B program by many employers documented by the Southern Poverty Law Center, and the strong opposition of working people from all over this country, I hope my colleagues will join me in supporting this amendment. We have a bad situation now. Let us not make it worse.

Simply put, we must make sure that labor protections for American workers and for foreign workers who are temporarily working in our country—we must make sure these regulations are strengthened, not weakened. Over the long term, I will be introducing legislation to accomplish that goal. But in the interim, we must not take a major step backwards in terms of protecting both U.S. workers and guest workers from unscrupulous employers. That is what this amendment is all about, and I urge my colleagues to vote ''yes'' on this amendment.

With that, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator LIEBERMAN be allowed 10 minutes to call up an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2407 TO AMENDMENT NO. 2383

Mr. LIEBERMAN. Mr. President, I thank the Chair and I thank my friend Senator MURRAY from Washington State. I call up amendment No. 2407.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mrs. COLLINS, proposes an amendment numbered 2407 to amendment No. 2383.

Mr. LIEBERMAN. 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 provide funds for the Interoperable Emergency Communications Grant Program)

On page 35, line 20, strike ''$3,030,500,000'' and insert ''$3,130,500,000''.

On page 39, line 21, strike the colon, insert a period and add the following:

(4) $100,000,000 for grants under the Interoperable Emergency Communications Grants Program established under title XVIII of the Homeland Security Act of 2002; Provided, That the amounts appropriated to the Department of Homeland Security for discretionary spending in this Act shall be reduced on a pro rata basis by the percentage necessary to reduce the overall amount of such spending by $100,000,000.

Mr. LIEBERMAN. Mr. President, this amendment is introduced by the Senator from Maine, Ms. COLLINS, the ranking member of the Homeland Security Committee, and myself. At this time I wish to ask unanimous consent that Senator MCCASKILL of Missouri be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, as the Presiding Officer knows, in a short while this evening, the Senate will consider the conference report, which has brought together the so-called 9/11 legislation passed by both the House and the Senate. I am very pleased, as I will say when that matter comes up, that the conferees have reached an agreement, because I believe this bill will greatly enhance the security of the American people, protecting them from natural disasters and also, God forbid, from a terrorist attack. This conference report will enact remaining unenacted or inadequately enacted recommendations of the 9/11 Commission.

Specifically in regard to this amendment, the conference report will create, if favorably adopted, a new interoperability emergency communications grant program to help Federal, State, and local responders achieve comprehensive interoperability.

My colleagues know the need from which this amendment arises, and, in fact, some of the tragic experiences from which it arises. On September 11 at the World Trade Center and the Towers, we know as a matter of fact that lives were lost because the heroic emergency response personnel—the firefighters, the police officers, the emergency medical personnel—simply could not communicate with one another because their systems did not allow them to do that. During Hurricane Katrina, there was a breakdown because of the catastrophic impact of that natural disaster in the very operability of communications.

We have heard from experts on how best respond to these disasters and of the crying need for investment in making our communications systems interoperable. Our State and local emergency response officials, elected officials, tell us this is a crying need. The fact is it is a need that is very hard, particularly for local governments, to satisfy. Anybody who has ever dealt with a municipal budget looks at the budget of the firefighters, the police departments—these are personnel-intensive budgets. There is not enough left over for what might be called capital investments, equipment investments. So this need for interoperable communications, which will save lives, without question, will simply not be met fast enough if we leave it to the local governments.

Now, in the 9/11 Commission bill which we will consider later, this interoperability emergency communications grant program is not only created but authorizes the expenditure of $1.6 billion for this purpose over the next 4 years. This Homeland Security appropriations bill before us makes a substantial increase over the President's budget in funding for homeland security, $2¼ billion. It is absolutely the right thing to do. It is absolutely the necessary thing to do to protect the American people from disaster and/or a terrorist attack. However, the bill before us does not include any money for interoperability of communications at the local level.

Perhaps because this conference report we are going to consider tonight was not adopted when the Homeland Security Appropriations Subcommittee reached its judgments, I will say for the record that the Senate itself earlier this year, in the Senate budget resolution, supported $400 million in dedicated funding for this program, with passage of that budget resolution, in anticipation, I believe, of this new program.

What this amendment, offered by the Senator from Maine and myself and the Senator from Missouri, does is to provide $100 million to fund a first payment to fund this new interoperability emergency communications grant program. It is a kind of downpayment at a meaningful level; not as much as is necessary, but a beginning to this program. The authorization in the conference report is important. It takes a critical step forward. But it must be funded, or it will not mean anything to our first responders and those of the rest of us in America who depend on them for our protection.

I wish to note as an indication of the urgent need for this kind of funding that the following first responder groups have written and expressed their support for this amendment: the International Association of Firefighters, the International Association of Fire Chiefs, the International Association of Chiefs of Police, the Association of Public Safety Communications Officials International, the Congressional Fire Service Institute, and the National Volunteer Fire Council. All of these folks representing millions of first responders around America are asking for this funding.

I will report to my colleagues that the House has included $50 million as a first payment to fund this interoperability communications fund in its Homeland Security appropriations bill. I hope my colleagues will help us do our part, now that we are about to authorize the fund later tonight by adopting this amendment.

I ask when the vote is taken on this amendment that it be taken by the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Mr. LIEBERMAN. I thank the Chair and I yield the floor.

Mrs. MURRAY. Mr. President, I want our colleagues to know we are trying to work as diligently as possible to move forward at this time. The Senator from New Jersey wants 10 minutes to speak, and after that I think we can start moving on some of the amendments. So I ask unanimous consent that the Senator from New Jersey to speak for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I appreciate my distinguished colleague from Washington State providing the time.

I rise in strong support of the Salazar-Menendez amendment. I expect from all of the voices I have heard in our debate about immigration as part of this Homeland Security bill that we will have resounding support for this amendment, because I know those who want to protect the United States at its border crossings are going to want to protect all of its border crossings.

I have heard a lot about our challenges along our southern border, but I have heard nothing about our challenges along our northern border. In that respect, I think it is important to call the attention of the Senate to the fact that over the last several years, according to official reports, the Congressional Research Service tells us there have been nearly 69,000 individuals who have crossed over the northern border and, of course, that number is small in comparison because we don't have the Border Patrol agents on the northern border to be dealing with the interdictions that would be called for.

So while there are 13,488 Border Patrol agents in the entire force, there are only 965 agents along the northern border. That northern border has over 5,525 miles of border between the United States and the North, significantly more than the 1,993 miles along the southern border. Yet over 69,000 people have crossed, to our knowledge, because if you divide out the number of Border Patrol agents at any given time on the northern border, they are looking at patrolling hundreds and hundreds of miles for a fraction of what is the Border Patrol on any given shift. Therefore, what that number tells us is that while thousands cross on the northern border, we don't even know the magnitude of it, because we are not paying attention. We are not paying attention on the northern border.

I will remind my colleagues that it was Ahmed Ressam in 1999, December of 1999, the millennium bomber, who came in through the northern border of the United States. We don't seem to be concerned about the northern border. What Senator SALAZAR's and my amendment simply does is to make sure that we are, in fact, looking at all of our international borders and allocating the resources appropriately.

Now, unless this debate is about something more than protecting the United States, we should have a resounding vote. Because if you are concerned about one terrorist coming through a border, you should be concerned about a border that is far more porous, far greater in length; the one that actually has a history of having someone who sought to commit an act of violence within the United States crossing that northern border—one that is totally undermanned in the context of protecting that border and, obviously, it means we have far greater numbers than the 69,000; at the same time, one in which we have actually seen the number of Border Patrol agents decrease. We have a mandate in the 2004 Intelligence Reform and Terrorist Prevention Act that mandated that the Canadian border receive increases in Border Patrol agents equal to 20 percent of the Border Patrol agents that exist. And, ultimately, we have seen a reduction during fiscal year 2005–2006 in the total number of Border Patrol agents by nearly 9 percent.

So we have a history of people crossing the border, a history of the millennium bomber. Yet we have a decrease in Border Patrol agents who are on the northern border. You are either for protecting the country or you are not. By the way, if I were a terrorist, and I wanted to get into the United States, and the bottom line is that I know they are going to put everybody down at the southern border, guess what. I would be coming through the northern border because with over 5,500 miles and with only 965 total Border Patrol agents for three shifts around the clock for that whole stretch, that makes it a much greater percentage for me to be able to come over the northern border than to face the challenges of the southern border.

I know our colleagues here who care so much, as we do, about the national security and the defense of this country are going to give this amendment an overwhelming vote. I expect it to be accepted by a voice vote. If the answer is no, we are not concerned about the northern border, then I have to question the motives of some in this debate because we are either concerned about the security of the country or we have a certain prejudice over a certain part of what we consider a threat to the United States. Porous borders are a collective threat. But when we focus all of our time and attention at one end, let's leave a wide gaping hole on the other part, the one that has over 2½ times more territory to cover and has probably 10 percent of all the Border Patrol agents in the country.

I am sure this will be accepted by voice or we will have an overwhelming vote because the absence of having an overwhelming vote to make sure we protect our country indicates to me that the concern of some is not about protecting our country, the concern of some is that, in fact, they have a concern about who comes to this country—not because they seek to provide an act of terrorism, but because of who they are. So I think this will be a defining moment in which we can collectively work to protect our country, make sure we have the appropriate resources and allocations of them to the northern border as well as the southern border, make sure that we fill up all of our security gaps and, therefore, strengthen the security of the country. In the absence of that, many of us will have to question what this debate has really been about.

With that, I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments in the order listed; that no amendments be in order to any of the amendments in this agreement prior to the vote; that there be 2 minutes of debate equally divided in the usual form prior to each vote: Lieberman amendment No. 2407, Sanders amendment No. 2498, Salazar amendment No. 2516, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Reserving the right to object, I ask the managers of the bill if there is going to be another set of amendments on which we are going to vote tonight.

Mrs. MURRAY. Mr. President, I understand that the Senator from Louisiana and the Senator from Oklahoma both would like to call up an amendment, but in the intervening time between now and 8:30, we welcome talking with the Senators to set up some time for those who want to call up their amendments to do so.

Ms. LANDRIEU. Reserving the right to object, are there only two other amendments that are to come up?

Mrs. MURRAY. No, there are a number of amendments beyond the four I just mentioned.

The PRESIDING OFFICER. Is there objection to the request?

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KYL. Mr. President, might I take 30 seconds to explain why? I have no objection to the text of the Salazar amendment and have talked with Senator SALAZAR about it. My understanding is that it has the same rule XVI germaneness objection to it that is being posited against an amendment of mine, which I think also is not objectionable. I want to make sure all amendments are treated the same that have the same objection to them.

Mrs. MURRAY. Mr. President, if the Senator will withhold his objection, I inform him that when the Salazar amendment is pending before the Senate, he will be able to offer a rule XVI point of order if he so wishes.

Mr. KYL. Mr. President, I understand there was a unanimous consent request to consider the amendment. I was in the cloakroom at the time and had to come out. Perhaps I misunderstood.

Mrs. MURRAY. The amendment will be called up for a vote, and a rule XVI point of order could be raised at that point on the amendment. We are simply setting up these amendments to consider at that time.

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I registered my objection, and I continue to do so, but I am happy to try to work something out.

Mr. COCHRAN. Mr. President, isn't it true that we don't have to have unanimous consent to proceed to a vote? This is all that is being asked. We are not asking to adopt these amendments, but we are simply setting up an order and a time for the voting to begin. I just didn't want anybody to misunderstand what is being asked.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I revise my unanimous consent request: that at 8:30 this evening, the Senate proceed to vote in relation to the following amendments—we will remove the Salazar amendment—and that no other amendments will be in order: Lieberman amendment No. 2407, Sanders amendment No. 2498, and DeMint amendment No. 2481.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I would like to be added to the unanimous consent request. I am very unclear as to whether there will be an objection to me offering an amendment. I would like it added to the list. The Senator from Mississippi said we don't need unanimous consent to file my amendment. I want my amendment to be filed and will take a vote up or down.

Mrs. MURRAY. I add to the unanimous consent I already put in place that following this order being put in place, between now and 8:30 p.m. that Senator COBURN and Senator LANDRIEU be allowed to call up their amendments and speak for 10 minutes each.

The PRESIDING OFFICER. Is there objection to the request as modified?

Mr. MENENDEZ. Reserving the right to object.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Is it the intention of the Senator from Washington—while I understand this is simply for the purposes of an order, are we expecting, regardless of the order, a vote to be called on the Salazar amendment?

Mrs. MURRAY. May I respond to the Senator? Their amendment is one of the pending amendments. The yeas and nays have been ordered on it. So before this bill is finally adopted, their amendment will be in order at some point.

We are trying to move our way through, Mr. President, to the end of this evening. The majority leader has said we will finish this bill tonight. There are a number of amendments that are pending. We hope to dispose of all of them before it gets too late this evening.

I again ask unanimous consent as I said before.

The PRESIDING OFFICER. Is there objection to the request as modified? Without objection, it is so ordered.

The Senator from Oklahoma.

AMENDMENT NO. 2442 TO AMENDMENT NO. 2383

Mr. COBURN. Mr. President, I thank the chairman and appreciate her consideration in giving me an opportunity to call up an amendment even though we are not going to debate it. We will put it in the pending file. I understand that. I thank her for her courtesy.

I ask that the pending amendment be set aside and that amendment No. 2442 be brought up.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. DEMINT, proposes an amendment numbered 2422 to amendment No. 2383.

Mr. COBURN. 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 prohibit funding for no-bid earmarks)

At the appropriate place, insert the following:

SEC. ____. (a)(1)(A) None of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless the contract is awarded using competitive procedures in accordance with the requirements of section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253), section 2304 of title 10, United States Code, and the Federal Acquisition Regulation.

(B) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available by this Act may be used to make any payment in connection with a contract awarded through a congressional initiative unless more than one bid is received for such contract.

(2) Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be awarded by grant or cooperative agreement through a congressional initiative unless the process used to award such grant or cooperative agreement uses competitive procedures to select the grantee or award recipient. Except as provided in paragraph (3), no such grant may be awarded unless applications for such grant or cooperative agreement are received from two or more applicants that are not from the same organization and do not share any financial, fiduciary, or other organizational relationship.

(3)(A) If the Secretary of Homeland Security does not receive more than one bid for a contract under paragraph (1)(B) or does not receive more than one application from unaffiliated applicants for a grant or cooperative agreement under paragraph (2), the Secretary may waive such bid or application requirement if the Secretary determines that the contract, grant, or cooperative agreement is essential to the mission of the Department of Homeland Security.

(b)(1) Not later than December 31, 2008, the Secretary of Homeland Security shall submit to Congress a report on congressional initiatives for which amounts were appropriated during fiscal year 2008.

(2) The report submitted under paragraph (1) shall include with respect to each contract and grant awarded through a congressional initiative—

(A) the name of the recipient of the funds awarded through such contract or grant;

(B) the reason or reasons such recipient was selected for such contract or grant; and

(C) the number of entities that competed for such contract or grant.

(3) The report submitted under paragraph (1) shall be made publicly available through the Internet website of the Department of Homeland Security.

(c) In this section:

(1) The term ''congressional initiative'' means a provision of law or a directive contained within a committee report or joint statement of managers of an appropriations Act that specifies—

(A) the identity of a person or entity selected to carry out a project, including a defense system, for which funds are appropriated or otherwise made available by that

provision of law or directive and that was not requested by the President in a budget submitted to Congress; and

(B) the amount of the funds appropriated or otherwise made available for such project.

(2) The term ''executive agency'' has the meaning given such term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

Mr. COBURN. Mr. President, this is a fairly simple amendment. I plan on offering this on every appropriations bill. What it says to the American people is we know we are going to do certain things to send projects home. What this says is if you do that, then there ought to be a competitive bid on the project rather than a sweetheart deal to wherever it is going.

It is a very simple amendment. It says if we are going to send something home through an earmark, then the process of expending that money ought to be on a competitive bid basis so we get good value for the American taxpayer—no cost-plus, just competitively bid.

With that, I reserve my debate for a later time and yield the floor.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. 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. 2525 TO AMENDMENT NO. 2383

Ms. LANDRIEU. Mr. President, I ask unanimous consent to send an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, in the underlying bill, which makes a tremendous amount of progress, in my opinion, with protecting the homeland—increasing funding for port security, transportation, et cetera, and I have said publicly and privately my great thanks, on behalf of the people of Louisiana whom I represent, to the leaders managing this bill—in the underlying bill, there is a provision that some of us have worked very hard on to help expedite the rebuilding of schools in the gulf coast area.

As you know, 2 years this August is the anniversary of Katrina and Rita. Literally hundreds of schools were destroyed. As I said a thousand times on this floor and will continue to say, the Federal Government was simply overwhelmed by the catastrophic nature of this event, the scope of which had never been seen. So I offer this amendment, and send one to the desk that I am speaking of now to help fix one very small problem with actually one school.

The underlying bill sets up a process—and I am very grateful to the committee, Republicans and Democrats, who supported a new process—and actually FEMA was very helpful in supporting a new process—to help us rebuild the schools faster, better; not at greater expense to the taxpayer but a better way to deal with this catastrophic disaster.

However, if this amendment I am offering right now does not pass, there will be one school that is left out of this fix, and that is why I offer it, on behalf of a very small parish in south Louisiana, a school I happened to visit, a school that thought they had one agreement with FEMA but, evidently, there was a great misunderstanding.

This school has 500 children who go here, and they have had a very difficult time over the last 2 years, so I offer this amendment for them. It is extremely small, when compared to all the amendments my colleagues are offering, but it would help them to get their small school district back up and running. That is the essence of what the amendment does. As I say, it will affect basically one school in New Iberia Parish.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside and the clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2525 to amendment No. 2383.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require regional evacuation and sheltering plans)

On page 69, after line 24, add the following:

SEC. 536. EVACUATION AND SHELTERING.

(a) REGIONAL EVACUATION AND SHELTERING PLANS.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, States, local governments, and appropriate nongovernmental organizations, shall develop and submit to Congress, regional evacuation and sheltering plans that—

(A) are nationally coordinated;

(B) incorporate all appropriate modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus;

(C) clearly define the roles and responsibilities of Federal, State, and local governments in the evacuation plan; and

(D) identify regional and national shelters capable of housing evacuees and victims of an emergency or major disaster in any part of the United States.

(2) IMPLEMENTATION.—After developing the plans described in paragraph (1), the Administrator of the Federal Emergency Management Agency and the head of any Federal agency with responsibilities under those plans shall take necessary measures to be able to implement those plans, including conducting exercises under such plans as appropriate.

(b) NATIONAL SHELTERING DATABASE.—The Administrator of the Federal Emergency Management Agency, in coordination with States, local governments, and appropriate nongovernmental entities, shall develop a national database inventorying available shelters, that can be shared with States and local governments.

(c) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in consultation with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, shall conduct an analysis comparing the costs, benefits, and health and safety concerns of evacuating individuals with special needs during an emergency or major disaster, as compared to the costs, benefits, and safety concerns of sheltering such people in the area they are located when that emergency or major disaster occurs.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) areas with populations of not less than 20,000 individual needing medical assistance or lacking the ability to self evacuate;

(B) areas that do not have an all hazards resistance shelter; and

(C) the health and safety of individuals with special needs.

(3) TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall, as appropriate, provide technical assistance to States and local governments in developing and exercising evacuation and sheltering plans, which identify and use regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

(d) DEFINITIONS.—In this section, the terms ''emergency'' and ''major disaster'' have the meanings given those terms in section 102 of ther Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2407

Ms. COLLINS. Mr. President, shortly the Senate will vote on an amendment Senator LIEBERMAN and I have offered to provide $100 million in badly needed funding for a new emergency communications grant program. This program is about to be authorized in the Homeland Security bill we have recently completed the conference negotiations on, and which I anticipate will be cleared either tonight or tomorrow morning.

When we look at the needs of our first responders, interoperability of communications equipment is at the top of their list. We saw on 9/11 that firefighters, police officers, and emergency medical personnel lost their lives because of an inability to communicate due to incompatible equipment. We saw it again in the aftermath of Hurricane Katrina, where police could not communicate with firefighters, who could not communicate with emergency medical personnel.

Unfortunately, achieving interoperability is an expensive, lengthy, and difficult process, and it is one our State and local governments need assistance in meeting. The proposal Senator LIEBERMAN and I have put forth is a pretty modest proposal. The Homeland Security conference report authorizes a $400 million program. The budget resolution did as well for this year. What we are asking for is a modest downpayment of $100 million. It is offset by a modest reduction in other accounts.

Let me say that this amendment does have the strong support of our first responder community. It has been endorsed by the International Association of Fire Chiefs, the Congressional Fire Services Institute, the International Association of Firefighters, the International Association of Chiefs of Police, and the Association of Public Safety Communications Officials International.

Mr. President, I ask unanimous consent that endorsement letters from those organizations be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®,
Washington, DC, July 26, 2007.

Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR LIEBERMAN AND SENATOR COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I am writing to express our support for your amendment to the 2008 Homeland Security Appropriations Act for Fiscal Year 2008 providing $100 million for grants to improve emergency communications.

The Department of Homeland Security's 2006 National Interoperability Baseline Survey found that first responder agencies have made some progress towards achieving interoperability. However, the failure of emergency personnel to communicate with each other along the Gulf Coast in the wake of Hurricane Katrina provides a stark example of just how much work remains to ensure that first responders have adequate communications capabilities in emergencies.

The new grant program dedicated to improving first responder communications, established in the 9/11 Commission Act, will help states achieve this critical goal. By permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, this new program will enable states and regions to overcome their own unique communications challenges, and ensure a solid foundation upon which to build an interoperable communications network.

The ability of first responders to communicate with each other, as well as with state and federal authorities, is integral to any effective, coordinated emergency response. The Lieberman-Collins amendment will provide a down payment on our commitment to help America's first responders communicate during an emergency.

Thank you for your leadership on this vital issue and your continued strong support of our nation's fire fighters.

Sincerely,

HAROLD A. SCHAITBERGER,
General President.

[From the APCO International]

APCO SUPPORTS LIEBERMAN-COLLINS COMMUNICATIONS INTEROPERABILITY AMENDMENT

The Association of Public-Safety Communications Officials (APCO) International supports Senators Lieberman and Collins's amendment to appropriate $100 million for a new Interoperable Communications Grant Program.

Since 2002, our nation has had to overcome the devastation caused by Hurricanes Katrina and Rita on the Gulf Coast, which showed the operational vulnerability of emergency communications systems. The issue was not only interoperability but also operability. Due to the lack of operable emergency communications systems, command and control of the disasters was almost non-existent.

Five years after September 11, 2001 APCO International finds that, while there have been significant accomplishments to report on issues affecting public safety communications, there is also a disturbing lack of progress. Multiple nationwide surveys indicate there are significant shortfalls in communications operability and interoperability in many regions and locales with many contributing factors. The lessons learned from 9/11 and Hurricanes Katrina and Rita for emergency communications are simple. Be prepared. Preparedness, planning and training are the key elements to achieving operability and interoperability during day-to-day activities and disasters.

Preparedness involves planning and implementing current and effective technology solutions. Preparedness involves coordination and mutual aid agreements with surrounding jurisdictions, state and federal government agencies. Preparedness involves making sure your personnel and equipment are able to function during any emergency and meet the unexpected challenges that may arise at any time. Preparedness is making sure the daily operations of the emergency communications center are adaptable to any unexpected situation. Preparation also includes adequate funding for planning and operations.

We strongly believe this amendment will provide the funding needed to vastly enhance our Nation's operability and interoperable emergency communications systems and we hope that your Senator can support this amendment.

INTERNATIONAL ASSOCIATION OF FIRE CHIEFS,
Fairfax, VA, Mar. 2, 2007.

Hon. JOSEPH LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LIEBERMAN: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to express our support for several major provisions included in S. 4, the Improving America's Security Act of 2007. I appreciate the hard work and dedication your committee has put into this legislation, and I urge the Senate to move expeditiously towards its passage.

The IAFC is proud to endorse the information sharing programs outlined in Title I of the bill. These programs, which include guidelines to help integrate the fire service into fusion centers and a fellowship program designed to improve the exchange of intelligence data between government entities, constitute a significant step forward in our nation's homeland security efforts. By ensuring that fire departments and other emergency response providers participate directly in fusion centers, Title I will open new doors for nontraditional information gathering, enhanced capabilities assessments, and better coordination between the fire service and law enforcement in planning for and responding to major disasters. Simply put, these changes will make our information sharing programs more effective and our country safer.

Additionally, the IAFC strongly supports the operable and interoperable communications programs defined in Title III. The IAFC is working with partners in public safety on numerous fronts to strengthen the voice and data communications capabilities of first responders throughout the United States. Accomplishing this goal requires adequate spectrum for responders to communicate, as well as funding for purchase and installation of the equipment necessary to utilize the available spectrum. At present, substantial action remains to be taken by the federal government on both fronts, and Title III of S. 4 will make a positive contribution by authorizing over $3 billion for the Emergency Communications Operable and Interoperable Grants program.

Furthermore, the IAFC supports the critical infrastructure provisions set forth in Title X of the Improving America's Security Act. The IAFC looks forward to working towards Title X's critical infrastructure goals through the partnership model currently reflected in the National Infrastructure Protection Plan (NIPP). In particular, we believe that ensuring adequate protection for human elements—as well as physical and cyber elements—will be an essential part of the critical infrastructure protection efforts carried out by the fire service under this title.

Finally, the IAFC strongly believes that however grant reform measures (such as those described in Title II) are resolved in this legislation, the final product should preserve the all-hazards nature of the FIRE and SAFER Act grant programs. These programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staff, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made, great or small. In its present form, section 2002(c) of the Improving America's Security Act fully protects the FIRE and SAFER Act grant programs, and any changes to the grant reform section should preserve section 2002(c) as it is currently written.

As the primary fire service leadership organization in the United States, the IAFC would like to thank you and your dedicated staff for your work thus far on S. 4. The IAFC stands ready to provide you with information and support as the Improving America's Security Act of 2007 moves forward in the legislative process.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President.

JUNE 7, 2007.

Hon. JOSEPH I. LIEBERMAN,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

Hon. SUSAN COLLINS,
Ranking Member, Committee on Homeland Security and Governmental Affairs U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of our organizations, we urge you to consider the following issues as conference negotiations on H.R. 1, the Implementing the 9/11 Commission Recommendations Act, and S. 4, the Improving America's Security Act get underway. Individually and collectively, we appreciate the support you have shown for the fire and emergency services through your work on this critical homeland security legislation.

Over the past sereral years, the question of how homeland security grant funding should be distributed has been an extremely contentious issue. While we do not have a position on how this matter should be resolved, we do ask that you make sure that the FIRE and SAFER Act grant programs are not affected by reforms included in the conference report. The FIRE and SAFER Act grant programs were created with an emphasis on equipping the fire service with the tools, equipment, training, staffing, and other resources needed to respond effectively to all types of emergencies—whether natural or man-made,

great or small. Section 2002 of each bill fully protects these programs, and any compromise grant reform section should preserve these safeguards.

A second issue of critical importance to the fire service is the ability to communicate effectively. As you know, first life responders throughout the United States are currently facing major challenges in the area of wireless communications. Fortunately, both H.R. 1 and S. 4 create new grant programs designed to help address this problem. In crafting the final version of the communications grant program, we ask you to retain the $3.3 billion authorization total included in S. 4, ensure that funding is available for both operable and interoperable communications projects, and build in flexibility allowing funding to be used for systems in a wide range of operating frequencies. Furthermore, we urge you to ensure that these grants utilize the Department of Homeland Security's SAFECOM grant guidance and fund all of the areas defined in the SAFECOM ''Interoperability Continuum,'' including governance.

In addition to seeking progress on the issues above, the first responder community also wishes to see a well-prepared private sector that will voluntarily take its share of responsibility for emergency preparedness and business continuity. The voluntary private sector preparedness program outlined in S. 4, which relies on standards such as the NFPA 1600 Standard on Disaster/Emergency Management and Business Continuity Programs, would enable our nation to better protect lives and property. This initiative complements other first responder disaster and emergency preparedness plans and is critical for a robust homeland security policy. Accordingly, we believe that the Senate-passed language should be retained in the conference report.

Finally, we strongly urge you not to include provisions in the conference report that would establish new federal mandates for re-routing of hazardous materials around urban areas. While we understand that local re-routing may be necessary on a case-by-case basis, federal mandatory re-routing regulations would create additional dangers by shifting hazardous materials to rural areas that may not be as well-staffed or equipped to deal with an incident. In addition, re-routing hazardous materials would keep them in transit for a longer amount of time, which would increase the risk and the potential for an incident to occur. Larger, urban fire departments are generally in a better position to handle these incidents, because they have more specialized equipment and other resources.

Again, thank you for your attention to these pressing homeland security issues. Should you have questions or desire additional information as you move through the conference process, please do not hesitate to contact Kevin King.

Sincerely,

CHIEF JAMES B. HARMES,
CFO, President, IAFC.
THOMAS FEE,
President, IAAI.
JAMES M. SHANNON,
President, NFPA.
CHIEF PHILIP C. STITTLEBURG,
Chairman, National Volunteer Fire Council.

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®,
Washington, DC, February 13, 2007.

Hon. JOSEPH LIEBERMAN,
Hon. SUSAN COLLINSm,
Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR CHAIRMAN LIEBERMAN AND RANKING MEMBER COLLINS: On behalf of the nation's more than 280,000 professional fire fighters and emergency medical personnel, I applaud you for your efforts to implement the recommendations of the 9/11 Commission. We are especially grateful that you included in your proposal provisions to reform our nation's Homeland Security Grant Program and enhance first responder communications.

The establishment of the new grant program dedicated to improving communications operability and interoperability is vital to protecting the health and safety of our nation's fire fighters. Permitting funds to be used to assist with a variety of activities, including activities to achieve basic operability, will enable states and regions to overcome their own unique communications challenges.

Provisions ensuring that states provide local governments and first responders homeland security funding in an expedited manner, and permitting a portion of funds to be used for the payment of overtime and backfill costs will allow communities to take full advantage of this invaluable federal assistance.

The Improving America's Security Act also demonstrates your strong commitment to America's fire service. By guaranteeing that members of the fire service are involved in local planning to determine effective funding priorities, and by maintaining FIRE and SAFER grants as separate and distinct programs, you properly ensure that America's fire service will continue to receive funding to fulfill its vital role in local emergency preparedness.

Thank you for your leadership on these vital issues. We appreciate your willingness to work closely with the IAFF in developing the Improving America's Security Act, and look forward to continuing our work together on behalf of our nation's emergency response personnel.

Sincerely,

BARRY KASINITZ,
Director, Governmental Affairs.

Ms. COLLINS. Mr. President, again, I hope our colleagues will take a hard look at this amendment and will decide it warrants their support to address one of the major problems that has hampered emergency response, decreased the effectiveness of those who are putting their lives on the line, and truly can be a matter of life and death.

Let me end my comments by applauding, nevertheless, the Homeland Security Appropriations Subcommittee for their hard work. Senator BYRD, Senator MURRAY, and Senator COCHRAN have done a terrific job on a very difficult issue, but this is an attempt to make their good work even better.

I thank the Chair.

Mrs. MURRAY. 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.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

There are now 2 minutes equally divided prior to a vote on the Lieberman amendment. The Senator from Washington.

Mrs. MURRAY. Mr. President, I would like to inform the Senate that I believe both sides are in agreement that the Lieberman amendment is accepted. I ask unanimous consent to vitiate the yeas and nays on the Lieberman amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, may I first thank Senator MURRAY, Senator COCHRAN, and our colleagues for their support. This is an important amendment. It is a bipartisan amendment. The Homeland Security appropriations bill could not have funded the Emergency Grant Program set up by the 9/11 bill, which we have not passed yet, so I appreciate very much their support. This amendment is supported by almost all of the first responder groups—firefighters, police officers, volunteer firefighters, et cetera—because they desperately need funding to help them make their communication systems interoperable.

Thanks to our colleagues on both sides. Senator COLLINS and Senator MCCASKILL and I join in those thank yous.

I urge the adoption of the amendment.

The PRESIDING OFFICER (Mr. DURBIN). If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2407) was agreed to.

Mr. LIEBERMAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2498

Mrs. MURRAY. What is the pending amendment?

The PRESIDING OFFICER. The pending business before the Senate under the unanimous consent agreement is the Sanders amendment, on which there are 2 minutes equally divided.

Who yields time? The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, what the H–2B program provides is that guest workers may come into this country on a temporary basis if no qualified U.S. worker is available for that position and that the wages paid to H–2B employees do not adversely impact U.S. wages and working conditions. Unfortunately, the Department of Homeland Security and the Department of Labor have proposed regulations that would eliminate the labor certification process and move toward a process which has virtually no enforcement mechanisms and which simply takes the employer's word as to

whether they are obeying these regulations. In other words: Trust us, we are doing the right thing.

This is absurd. This amendment would simply prohibit the Department of Homeland Security from using any of the funds in this act to implement these proposed regulations. This amendment is supported by Senator FEINGOLD as well.

The PRESIDING OFFICER. Who yields time in opposition?

One minute is allowed under the unanimous consent agreement.

Is the time yielded back? In the opinion of the Chair, the time is yielded back.

The question is on agreeing to the amendment. 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 Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''no.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 43, as follows:

[Rollcall Vote No. 280 Leg.]

YEAS—51

Akaka	Feinstein	Nelson (FL)
Baucus	Harkin	Nelson (NE)
Bayh	Inouye	Pryor
Biden	Kennedy	Reed
Bingaman	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown	Kohl	Salazar
Byrd	Landrieu	Sanders
Cantwell	Lautenberg	Schumer
Cardin	Leahy	Sessions
Carper	Levin	Specter
Casey	Lieberman	Stabenow
Clinton	Lincoln	Tester
Conrad	McCaskill	Voinovich
Dorgan	Menendez	Webb
Durbin	Mikulski	Whitehouse
Feingold	Murray	Wyden

NAYS—43

Alexander	DeMint	Lugar
Allard	Dole	Martinez
Barrasso	Domenici	McConnell
Bennett	Ensign	Murkowski
Bond	Enzi	Roberts
Bunning	Graham	Shelby
Burr	Grassley	Smith
Chambliss	Gregg	Snowe
Coburn	Hagel	Stevens
Cochran	Hatch	Sununu
Collins	Hutchison	Thune
Corker	Inhofe	Vitter
Cornyn	Isakson	Warner
Craig	Kyl	
Crapo	Lott	

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The amendment (No. 2498) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote and lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are now to the DeMint amendment No. 2481. That is the pending item.

I believe the Senators on this side are ready to accept this amendment, and if the Senator wants a voice vote, we are more than happy to do it.

Mr. DEMINT. Mr. President, I would like the yeas and nays.

The PRESIDING OFFICER. The yeas and nays were previously ordered. Who yields time? Two minutes is allowed.

Mrs. MURRAY. Mr. President, I could not hear the Senator.

Mr. DEMINT. I have asked for the yeas and nays.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, over the last year this body has taken a strong bipartisan stand to make our ports more secure. After the Department of Homeland Security established regulations to bar felons from the secure areas of our ports, the Senate passed an amendment by 94 votes to codify that regulation into law.

These regulations are very similar to the ones we use at our airports. Unfortunately, our strong stand on the Senate floor was diluted in conference with the House.

My amendment would prohibit the Secretary of the Department of Homeland Security from using any funds appropriated in this bill from being used to delete or modify any of the lists of felonies in the regulation.

I would encourage all of my colleagues to be consistent and vote again yes for this bill.

The PRESIDING OFFICER. Who yields time?

Mr. BYRD. Mr. President, we didn't hear what the Senator said. Does the Senator want to say it again?

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Am I correct in that I have another minute to do the same thing again?

The PRESIDING OFFICER. The Senator can summarize.

Mr. DEMINT. I can summarize. Thank you, Mr. President. I thank the Senator for demanding order.

This is a very important amendment. There is no need to spend billions of dollars keeping our ports secure if we are going to allow serious felons to work there. We all know that. We voted already, 94 to 2, for this exact same provision, only in an appropriations bill. In order not to attract rule XVI, this is just to prohibit the use of funds in eliminating or deleting or changing any of the list of felonies for 1 year.

I encourage my colleagues to vote yes.

Mrs. MURRAY. Mr. President, I expect that most of the Members on our side will be voting for this. We had been willing to accept it without a vote. But having said that, I hope once we accept it on this bill, it means that we will not have to have a vote later this evening on a motion to recommit on the 9/11 Commission because once we vote on this and it is part of this package, it will mean, hopefully, we will not have to deal with it on the next bill that we will be considering tonight, the 9/11 Commission. So with that I will be voting aye. I urge adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The result was announced—yeas 93, nays 1, as follows:

[Rollcall Vote No. 281 Leg.]

YEAS—93

Akaka	Domenici	McCaskill
Alexander	Dorgan	McConnell
Allard	Durbin	Menendez
Barrasso	Ensign	Mikulski
Baucus	Enzi	Murkowski
Bayh	Feingold	Murray
Bennett	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Grassley	Pryor
Bond	Gregg	Reed
Boxer	Hagel	Reid
Brown	Harkin	Roberts
Bunning	Hatch	Rockefeller
Burr	Hutchison	Salazar
Byrd	Inhofe	Sanders
Cantwell	Inouye	Schumer
Cardin	Isakson	Sessions
Carper	Kennedy	Shelby
Casey	Kerry	Smith
Chambliss	Klobuchar	Snowe
Clinton	Kohl	Stabenow
Coburn	Kyl	Stevens
Cochran	Landrieu	Sununu
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Vitter
Cornyn	Lieberman	Voinovich
Craig	Lincoln	Warner
Crapo	Lott	Webb
DeMint	Lugar	Whitehouse
Dole	Martinez	Wyden

NAYS—1

Specter

NOT VOTING—6

Brownback	Dodd	McCain
Coleman	Johnson	Obama

The amendment (No. 2498) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2442

Mrs. MURRAY. Mr. President, I believe we now have agreement on the Coburn amendment No. 2442 that is pending. I believe we have agreed to accept that amendment.

The PRESIDING OFFICER (Mr. WEBB). Without objection, the amendment is now pending.

Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2442) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, for the information of all Senators, as the majority leader said, we are going to go to final passage tonight no matter what it takes. We are working our way through the amendments.

I am going to proceed to two amendments that I believe are agreed upon by Senator SALAZAR and Senator KYL that I believe will be adopted by voice vote.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. I have not made a unanimous consent request, I would say.

We are working with the Senator from Louisiana, Ms. LANDRIEU, on an amendment she intends to offer. Meanwhile, we are working to put together a final package of agreed-upon amendments that will take us about 20 minutes to put together. Hopefully, at that time we will have a vote on final passage. So I would like all Senators to know we are going to work our way through several amendments over the next 20 minutes or half hour and, hopefully, be at a point where we can move to final passage on this bill.

Mr. President, with that, we now have an agreement on both the Salazar and Kyl amendments. I send both——

Ms. LANDRIEU. Reserving the right to object.

The PRESIDING OFFICER. Can we have order in the Chamber.

Ms. LANDRIEU. Reserving the right to object.

Mrs. MURRAY. Mr. President, just to notify the Senator, I have not asked for unanimous consent. I say to the Senator, we will get to her amendment.

AMENDMENTS NOS. 2516, AS MODIFIED; AND 2518, AS MODIFIED

Mr. President, we now have an agreement on both the Salazar and Kyl amendments. I send both amendments to the desk, as modified, and ask unanimous consent that they be considered en bloc.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Without objection, amendment No. 2516, is modified.

The amendment, as modified, is as follows:

At the end, add the following

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras;

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles. and the supporting systems for such vehicles;

(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, 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) and (2).

(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.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

The PRESIDING OFFICER. The clerk will report the Kyl amendment, as modified.

The legislative clerk read as follows:

The Senator from Washington, [Mrs. MURRAY], for Mr. KYL, for himself and Mr. MARTINEZ, proposes an amendment numbered 2518, as modified, to amendment No. 2383.

The PRESIDING OFFICER. Without objection, reading of the amendment is dispensed with.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003 of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with System requirements, including the applicable Memorandum of Understanding.

Mrs. MURRAY. Mr. President, I believe both sides have agreed to this amendment, and we do not have further debate. I believe we are ready to vote.

The PRESIDING OFFICER. Is there further debate on the Kyl amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2518), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I believe we now move to Senator SALAZAR's amendment.

The PRESIDING OFFICER. The question is on agreeing to the Salazar amendment, as modified.

The amendment (No. 2516), as modified, was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, I ask unanimous consent that amendment No. 2419 be withdrawn.

The PRESIDING OFFICER. The amendment is not pending.

Mrs. MURRAY. Mr. President, for the information of all Senators, we are now working with the Senator from Louisiana who has an amendment that is pending, on how we are going to dispose of that. We will work that out over the next several minutes. We have a number of other amendments we have been working with Senators on that I believe will be agreed upon on all sides. Again, our staffs are working diligently. I expect it will take them the next 15 or 20 minutes. At that time, we hope to have all the amendments before the Senate and move to final passage on this bill.

With that, 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.

Mrs. MURRAY. 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. 2527 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I send an amendment to the desk on behalf of Senator LANDRIEU and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, proposes an amendment numbered 2527 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Administrator of the Federal Emergency Management Agency to authorize an in-lieu contribution to the Peebles School)

On page 69, after line 24, add the following:

SEC. 536. IN-LIEU CONTRIBUTION.

The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2527) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. Mr. President, we are going to move to a number of amendments that have been agreed to in a few short minutes. I ask the patience of all the Senators here, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. 2525 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent to withdraw amendment No. 2525.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. 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.

Mrs. MURRAY. 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. 2469 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2469 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COCHRAN and Mr. LOTT, proposes an amendment numbered 2469 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide that certain hazard mitigation projects shall not be subject to any precertification requirements)

On page 64, between lines 6 and 7, insert the following:

(d) Notwithstanding section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c), projects relating to Hurricanes Katrina and Rita for which the non-Federal share of assistance under that section is funded by amounts appropriated to the Community Development Fund under chapter 9 of title I of division B of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2779) or chapter 9 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 472) shall not be subject to any precertification requirements.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2499, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2499, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 2499, as modified to amendment No. 2383.

The amendment is as follows:

On page 6, line 16, after ''entry:'', insert ''of which $15,000,000 shall be used to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on all sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2499), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2475, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2475, send a modification to the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. STEVENS, proposes an amendment No. 2475, as modified, to amendment No. 2383.

The amendment is as follows:

On page 7, line 7, insert after ''operations;'' the following: ''of which $40,000,000 shall be utilized to develop and implement a Model Ports of Entry program and provide resources necessary for 200 additional CBP officers at the 20 United States international airports that have the highest number of foreign visitors arriving annually as determined pursuant to the most recent data collected by the United States Customs and Border Protection available on the date of enactment of this Act, to provide a more efficient and welcoming international arrival process in order to facilitate and promote business and leisure travel to the United States, while also improving security;''

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2475), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2513 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2513 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LIEBERMAN, proposes an amendment numbered 2513 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require a national strategy and report on closed circuit television systems)

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit televisions systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2513) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2502 TO AMENDMENT NO. 2383

(Purpose: To authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists, and for other purposes)

Mrs. MURRAY. Mr. President, I call up amendment No. 2502 and ask for its immediate consideration

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PRYOR, proposes an amendment numbered 2502 to amendment No. 2383.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2502) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2514 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2514 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2514 to amendment No. 2383.

The amendment is as follows:

(Purpose: To prevent procurement of any additional major assets until completion of an Alternatives Analysis, and to prevent the use of funds contained in this act for procurement of a third National Security Cutter until completion of an Alternatives Analysis)

On page 22, beginning in line 17, strike ''*Provided,*'' and insert ''*Provided,* That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,* That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,*''.

Mrs. MURRAY. I believe this amendment has been agreed to on both sides.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2514) was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the amendment was agreed to.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2391 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2391 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. CANTWELL, proposes an amendment numbered 2391 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require the Secretary of Homeland Security to develop a strategy and funding plan to implement the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007)

On page 69, after line 24, add the following:

SEC. 536. RISK MANAGEMENT AND ANALYSIS SPECIAL EVENT; 2010 VANCOUVER OLYMPIC AND PARALYMPIC GAMES.

As soon as practicable, but not later than 3 months after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Appropriations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Appropriations, the Committee on Homeland Security, and the Committee on Transportation and Infrastructure of the House of Representatives a report regarding the plans of the Secretary of Homeland Security relating to—

(1) implementing the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007, with specific funding strategies for—

(A) the Multiagency Coordination Center; and

(B) communications exercises to validate communications pathways, test equipment, and support the training and familiarization of personnel on the operations of the different technologies used to support the 2010 Vancouver Olympic and Paralympic Games; and

(2) the feasibility of implementing a program to prescreen individuals traveling by rail between Vancouver, Canada and Seattle, Washington during the 2010 Vancouver Olympic and Paralympic Games, while those individuals are located in Vancouver, Canada, similar to the preclearance arrangements in effect in Vancouver, Canada for certain flights between the United States and Canada.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2391) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2466 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2466 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. HUTCHISON, proposes an amendment numbered 2466 to amendment No. 2383.

The amendment is as follows:

AMENDMENT NO. 2466

(Purpose: To provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing)

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENT OF BARRIERS AT BORDER.

Section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1103 note) is amended—

(1) in subsection (a), by striking ''Attorney General, in consultation with the Commissioner of Immigration and Naturalization,'' and inserting ''Secretary of Homeland Security''; and

(2) in subsection (b)—

(A) in the subsection heading, by striking ''IN THE BORDER AREA'' and inserting ''ALONG THE BORDER'';

(B) by redesignating paragraphs (1), (2), (3), and (4) as paragraphs (2), (3), (4), and (5), respectively;

(C) in paragraph (2), as redesignated—

(i) in the paragraph heading, by striking ''SECURITY FEATURES'' and inserting ''ADDITIONAL FENCING ALONG SOUTHWEST BORDER''; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

''(A) REINFORCED FENCING.—In carrying out subsection (a), the Secretary of Homeland Security shall construct reinforced fencing along not less than 700 miles of the southwest border where fencing would be most practical and effective and provide for the installation of additional physical barriers, roads, lighting, cameras, and sensors to gain operational control of the southwest border.

''(B) PRIORITY AREAS.—In carrying out this section, the Secretary of Homeland Security shall—

''(i) identify the 370 miles along the southwest border where fencing would be most practical and effective in deterring smugglers and aliens attempting to gain illegal entry into the United States; and

''(ii) not later than December 31, 2008, complete construction of reinforced fencing along the 370 miles identified under clause (i).

''(C) CONSULTATION.—

''(i) IN GENERAL.—In carrying out this section, the Secretary of Homeland Security shall consult with the Secretary of Interior, the Secretary of Agriculture, States, local governments, Indian tribes, and property owners in the United States to minimize the impact on the environment, culture, commerce, and quality of life for the communities and residents located near the sites at which such fencing is to be constructed.

''(ii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to—

''(I) create any right of action for a State, local government, or other person or entity affected by this subsection; or

''(II) affect the eminent domain laws of the United States or of any State.

''(D) LIMITATION ON REQUIREMENTS.—Notwithstanding subparagraph (A), nothing in this paragraph shall require the Secretary of Homeland Security to install fencing, physical barriers, roads, lighting, cameras, and sensors in a particular location along an international border of the United States, if the Secretary determines that the use or placement of such resources is not the most appropriate means to achieve and maintain operational control over the international border at such location.''; and

(D) in paragraph (5), as redesignated, by striking ''to carry out this subsection not to exceed $12,000,000'' and inserting ''such sums as may be necessary to carry out this subsection''.

Mrs. MURRAY. Mr. President, I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2466) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2484 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2484 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. GREGG, proposes an amendment numbered 2484 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for greater accountability in grant and contract administration)

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

Mrs. MURRAY. I believe this amendment is also agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing on the amendment.

The amendment (No. 2484) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2486 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2486 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. COLLINS, proposes an amendment numbered 2486 to amendment No. 2383.

The amendment is as follows:

(Purpose: To require an appropriate amount of funding for the Office of Bombing Prevention)

On page 30, line 17, before the period insert the following: ''*Provided*, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network''.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2486) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2497 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2497 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. BYRD, proposes an amendment numbered 2497 to amendment No. 2383.

The amendment is as follows:

(Purpose: To establish a wild horse and burro adoption program at the Department of Homeland Security)

On page 69, after line 24, insert the following:

SEC. ____. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

Mrs. MURRAY. Mr. President, I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2497) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2404, AS MODIFIED, TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2404, with a modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. MARTINEZ, proposes an amendment numbered 2404, as modified, to amendment No. 2383.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. _____. 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 program. Amounts so credited shall remain available until expended.

''(C) RULEMAKING.—Within 365 days after the date of enactment of this paragraph, the Secretary shall initiate a rulemaking to establish the program, criteria for participation, and the fee for the program.

''(D) IMPLEMENTATION.—Not later than 2 years after the date of enactment of this paragraph, 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.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 2404), as modified, was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2478 TO AMENDMENT NO. 2383

Mrs. MURRAY. Mr. President, I call up amendment No. 2478 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. AKAKA, proposes an amendment numbered 2478 to amendment No. 2383.

The amendment is as follows:

(Purpose: To provide for a report on the Performance Accountability and Standards System of the Transportation Security Administration)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION.

Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and non-managers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

Mrs. MURRAY. I believe this amendment has been agreed to.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 2478) was agreed to.

Mr. COCHRAN. I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—H.R. 1

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of H.R. 2638, the Senate turn to the consideration of the conference report on H.R. 1, the 9/11 bill; that there be 90 minutes of debate to be equally divided under the control of the two leaders or their designees, and 30 additional minutes for Senator COBURN; that at the conclusion of the time for debate on the conference report Senator DEMINT be recognized to offer a motion to recommit the conference report to report back with his dock worker provisions; that there be 20 minutes equally divided for debate on his motion; that no other amendments or motions be in order; that at the conclusion or yielding back of time, the Senate vote on his motion to recommit; that if the motion is defeated, the Senate then vote on passage of the conference report, with the proceeding all occurring without intervening action or debate.

Of course, everybody knows this has been cleared with my counterpart, Senator MCCONNELL.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I stipulate that Senator COLLINS will control up to 30 minutes of our time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that upon passage of H.R. 2638, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses and the Chair be authorized to appoint conferees on the part of the Senate and the subcommittee be appointed as conferees, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, we are working our way through things, so we will go into a short quorum call.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. 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. 2516, AS FURTHER MODIFIED

Mrs. MURRAY. Mr. President, I ask unanimous consent that notwithstanding the adoption of amendment No. 2516, the amendment be further modified with the version I now send to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 2516), as further modified, is as follows:

At the end, add the following:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—The President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(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, 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) and (2).

(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.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under Division B of this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

Mrs. MURRAY. 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.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. BOXER). Without objection, it is so ordered.

AMENDMENT NO. 2518, AS FURTHER MODIFIED

Mrs. MURRAY. Madam President, I ask unanimous consent that notwithstanding adoption of Kyl amendment No. 2518, the amendment be further modified with the version I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2518), as further modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003, of Division B, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to timely and accurately—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(4) ensure that the Office for Civil Rights and Civil Liberties of the Department of Justice has sufficient capacity to conduct audits of the Federal Government's Employment Eligibility Verification System to assess employer compliance with system requirements, including the applicable Memorandum of Understanding.

(5) These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. Madam President, I advise Senators that we have about 10 more minutes. We are working through the final package of agreed-upon amendments which we hope to have to the floor in the next 10 minutes. We will work our way through those amendments and on to final passage.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I have a list, a managers' package that I believe has been agreed to on both sides. I ask unanimous consent that I be allowed to send them to the desk en bloc, with the modifications, and have them agreed to en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. VITTER. I would like to object. There is objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Mr. President, with the objection heard, we have about 20 amendments. We will work our way through them one at a time.

We are getting a copy of the amendments to the desk. As soon as that is done, we will have to proceed through the amendments one by one until they are agreed to.

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.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I know of no other amendments to come before the Senate on this bill. I move to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the committee substitute.

Mr. DOMENICI. 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.

Mrs. MURRAY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that we go back to second reading.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2438, 2432, 2451, 2495, 2500, AS MODIFIED, 2507, 2477, 2519, 2439, 2406, 2417, AS MODIFIED, 2504, 2421, AS MODIFIED, 2422, 2526, 2445, AS MODIFIED, 2465, AS MODIFIED, 2508, 2509, 2463, 2490, 2521, 2467, AS MODIFIED, 2474, AS MODIFIED, 2522, AS MODIFIED, 2524 TO AMENDMENT 2383, EN BLOC

Mrs. MURRAY. I ask unanimous consent that the managers' package, as was presented, be sent to the desk, en bloc, with the modifications as requested and be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments considered and agreed to are as follows:

AMENDMENT NO. 2438

(Purpose: To require the Comptroller General to conduct a study on shared border management)

At the appropriate place, insert the following:

SEC. ___. SHARED BORDER MANAGEMENT.

(a) STUDY.—The Comptroller General of the United States shall conduct a study on the Department of Homeland Security's use of shared border management to secure the international borders of the United States.

(b) REPORT.—The Comptroller General shall submit a report to Congress that describes—

(1) any negotiations, plans, or designs conducted by officials of the Department of Homeland Security regarding the practice of shared border management; and

(2) the factors required to be in place for shared border management to be successful.

AMENDMENT NO. 2432

(Purpose: To increase the authorized level for the border relief grant program from $50,000,000 to $100,000,000)

At the end of the amendment, add the following:

SEC. ____. Amounts authorized to be appropriated in the Border Law Enforcement Relief Act of 2007 are increased by $50,000,000 for each of the fiscal years 2008 through 2012.

AMENDMENT NO. 2451

(Purpose: To conduct a study to determine whether fencing on the southern border can be constructed for less than an average of $3,200,000 per mile)

At the appropriate place, insert the following:

SEC. __. GAO STUDY OF COST OF FENCING ON THE SOUTHERN BORDER.

(a) INQUIRY AND REPORT REQUIRED.—The Comptroller of the United States shall conduct a study examining—

(1) the total amount of money that has been expended, as of June 20, 2007, to construct 90 miles of fencing on the southern border of the United States;

(2) the average cost per mile of the 90 miles of fencing on the southern border as of June 20, 2007;

(3) the average cost per mile of the 370 miles of fencing that the Department of Homeland Security is required to have completed on the southern border by December 31, 2008, which shall include $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology'';

(4) the total cost and average cost per mile to construct the 700 linear miles (854 topographical miles) of fencing on the southern border required to be constructed under section 102(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, as amended by section 3 of the Secure Fence Act of 2006 (Public Law 109–367);

(5) the total cost and average cost per mile to construct the fencing described in paragraph (4) if the double layer fencing requirement were eliminated; and

(6) the number of miles of single layer fencing, if fencing were not accompanied by additional technology and infrastructure such as cameras, sensors, and roads, which could be built with the $1,187,000,000 appropriated in fiscal year 2007 for ''border security fencing, technology, and infrastructure'' and the $1,000,000,000 appropriated under this Act under the heading ''Border Security Fencing, Infrastructure, and Technology''.

(b) SUBMISSION OF REPORT.—Not later than 1 year after the date of the enactment of this

Act, the Comptroller General shall submit a report on the results of the study conducted pursuant to subsection (a) to—

(1) the Committee on Appropriations of the Senate;

(2) the Committee on the Judiciary of the Senate;

(3) the Committee on Appropriations of the House of Representatives; and

(4) the Committee on the Judiciary of the House of Representatives.

AMENDMENT NO. 2495

(Purpose: To restore the credibility of the Federal Government by taking action to enforce immigration laws, to request the President to submit a request to Congress for supplemental appropriations on immigration, and for other purposes)

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as ''emergency spending'' in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

AMENDMENT NO. 2500, AS MODIFIED

At the appropriate place, insert the following:

SEC. ___. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of food and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of United States Customs and Border Protection shall submit a report to Congress that describes the training of United States Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

AMENDMENT NO. 2507

(Purpose: To require a study on the implementation of the voluntary provision of emergency services program)

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the ''program'').

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms ''air carrier'' and ''foreign air carrier'' have the meaning given such terms in section 40102 of title 49, United States Code.

AMENDMENT NO. 2477

(Purpose: To require the Government Accountability Office to report on the Department's risk-based grant programs)

On page 40, line 15, after ''Security'' insert ''and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups,''.

AMENDMENT NO. 2519

(Purpose: To provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability)

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise

that has been accepted by the IRS to resolve any unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non-frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

AMENDMENT NO. 2439

(Purpose: To resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs)

At the appropriate place, insert the following:

SEC. ___. TRANSPORTATION FACILITY ACCESS CONTROL PROGRAMS.

The Secretary of Homeland Security shall work with appropriate officials of Florida and of other States to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs.

AMENDMENT NO. 2406

(Purpose: To prohibit the use of funds for planning, testing, piloting, or developing a national identification card)

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act may be used for planning, testing, piloting, or developing a national identification card.

AMENDMENT NO. 2417, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. ADDITIONAL ASSISTANCE FOR PREPARATION OF PLANS.

Subparagraph (L) of section 33(b)(3) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(b)(3)) is amended to read as follows:

''(L) To fund fire prevention programs, including planning and preparation for wildland fires.

AMENDMENT NO. 2504

(Purpose: To express the sense of Congress regarding to need to appropriate sufficient funds to increase the number of border patrol officers and agents protecting the northern border pursuant to prior authorizations)

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of United States Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (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).

AMENDMENT NO. 2421, AS MODIFIED

On page 69, after line 24, add the following:

TITLE ___—BORDER INFRASTRUCTURE AND TECHNOLOGY MODERNIZATION

SEC. 601. SHORT TITLE.

This title may be cited as the ''Border Infrastructure and Technology Modernization Act of 2007''.

SEC. 602. DEFINITIONS.

In this title:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of United States Customs and Border Protection of the Department of Homeland Security.

(2) MAQUILADORA.—The term ''maquiladora'' means an entity located in Mexico that assembles and produces goods from imported parts for export to the United States.

(3) NORTHERN BORDER.—The term ''northern border'' means the international border between the United States and Canada.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(5) SOUTHERN BORDER.—The term ''southern border'' means the international border between the United States and Mexico.

SEC. 603. HIRING AND TRAINING OF BORDER AND TRANSPORTATION SECURITY PERSONNEL.

(a) OFFICERS AND AGENTS.—

(1) INCREASE IN OFFICERS AND AGENTS.—Subject to the availability of appropriations, during each of fiscal years 2009 through 2013, the Secretary shall—

(A) increase the number of full-time agents and associated support staff in United States Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees as of the end of the preceding fiscal year; and

(B) increase the number of full-time officers, agricultural specialists, and associated support staff in United States Customs and Border Protection by the equivalent of at least 200 more than the number of such employees as of the end of the preceding fiscal year.

(2) WAIVER OF FTE LIMITATION.—The Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) TRAINING.—As necessary, the Secretary, acting through the Assistant Secretary for United States Immigration and Customs Enforcement and the Commissioner, shall provide appropriate training for agents, officers, agricultural specialists, and associated support staff of the Department of Homeland Security to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

SEC. 604. PORT OF ENTRY INFRASTRUCTURE ASSESSMENT STUDY.

(a) REQUIREMENT TO UPDATE.—Not later than January 31 of every other year, the Commissioner, in consultation with the Administrator of General Services shall—

(1) review—

(A) the Port of Entry Infrastructure Assessment Study prepared by the United States Customs Service, the Immigration and Naturalization Service, and the General Services Administration in accordance with the matter relating to the ports of entry infrastructure assessment set forth in the joint explanatory statement on page 67 of conference report 106–319, accompanying Public Law 106–58; and

(B) the nationwide strategy to prioritize and address the infrastructure needs at the land ports of entry prepared by the Department of Homeland Security and the General Services Administration in accordance with the committee recommendations on page 22 of Senate report 108–86, accompanying Public Law 108–90;

(2) update the assessment of the infrastructure needs of all United States land ports of entry; and

(3) submit an updated assessment of land port of entry infrastructure needs to Congress.

(b) CONSULTATION.—In preparing the updated studies required under subsection (a), the Commissioner and the Administrator of General Services shall consult with the Director of the Office of Management and Budget, the Secretary, and affected State and local agencies on the northern and southern borders of the United States.

(c) CONTENT.—Each updated study required in subsection (a) shall—

(1) identify port of entry infrastructure and technology improvement projects that would enhance border security and facilitate the flow of legitimate commerce if implemented;

(2) include the projects identified in the National Land Border Security Plan required by section 605; and

(3) prioritize the projects described in paragraphs (1) and (2) based on the ability of a project—

(A) to enhance the ability of United States Customs and Border Protection to achieve its mission and to support operations;

(B) to fulfill security requirements; and

(C) facilitate trade across the borders of the United States.

(d) PROJECT IMPLEMENTATION.—The Commissioner, as appropriate, shall—

(1) implement the infrastructure and technology improvement projects described in subsection (c) in the order of priority assigned to each project under subsection (c)(3); or

(2) forward the prioritized list of infrastructure and technology improvement projects to the Administrator of General Services for implementation in the order of priority assigned to each project under subsection (c)(3).

(e) DIVERGENCE FROM PRIORITIES.—The Commissioner may diverge from the priority order if the Commissioner determines that significantly changed circumstances, including immediate security needs, changes in infrastructure in Mexico or Canada, or similar concerns, compellingly alter the need for a project in the United States.

SEC. 605. NATIONAL LAND BORDER SECURITY PLAN.

(a) REQUIREMENT FOR PLAN.—Not later than January 31 of every other year, the Secretary, acting through the Commissioner, shall prepare a National Land Border Security Plan and submit such plan to Congress.

(b) CONSULTATION.—In preparing the plan required under subsection (a), the Commissioner shall consult with other appropriate Federal agencies, State and local law enforcement agencies, and private entities that are involved in international trade across the northern or southern border.

(c) VULNERABILITY ASSESSMENT.—

(1) IN GENERAL.—The plan required under subsection (a) shall include a vulnerability, risk, and threat assessment of each port of entry located on the northern border or the southern border.

(2) PORT SECURITY COORDINATORS.—The Secretary, acting through the Commissioner, may establish 1 or more port security coordinators at each port of entry located on the northern border or the southern border—

(A) to assist in conducting a vulnerability assessment at such port; and

(B) to provide other assistance with the preparation of the plan required under subsection (a).

(d) COORDINATION WITH THE SECURE BORDER INITIATIVE.—The plan required under subsection (a) shall include a description of activities undertaken during the previous year as part of the Secure Border Initiative and actions planned for the coming year as part of the Secure Border Initiative.

SEC. 606. EXPANSION OF COMMERCE SECURITY PROGRAMS.

(a) COMMERCE SECURITY PROGRAMS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Commissioner, in consultation with the Secretary, shall develop a plan to expand the size and scope, including personnel needs, of the Customs-Trade Partnership Against Terrorism program or other voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain and security along the northern and southern border of the United States.

(2) SOUTHERN BORDER SUPPLY CHAIN SECURITY.—Not later than 1 year after the date of enactment of this Act, the Commissioner shall provide Congress with a plan to improve supply chain security along the southern border, including where appropriate, plans to implement voluntary programs involving government entities and the private sector to strengthen and improve the overall security of the international supply chain that have been successfully implemented on the northern border.

SEC. 607. PORT OF ENTRY TECHNOLOGY DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary, acting through the Commissioner, shall carry out a technology demonstration program to test and evaluate new port of entry technologies, refine port of entry technologies and operational concepts, and train personnel under realistic conditions.

(b) TECHNOLOGY AND FACILITIES.—

(1) TECHNOLOGY TESTED.—Under the demonstration program, the Commissioner shall test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(2) FACILITIES DEVELOPED.—At a demonstration site selected pursuant to subsection (c)(3), the Commissioner shall develop any facilities needed to provide appropriate training to Federal law enforcement personnel who have responsibility for border security, including cross-training among agencies, advanced law enforcement training, and equipment orientation to the extent that such training is not being conducted at existing Federal facilities.

(c) DEMONSTRATION SITES.—

(1) NUMBER.—The Commissioner shall carry out the demonstration program at not less than 3 sites and not more than 5 sites.

(2) LOCATION.—Of the sites selected under subsection (c)—

(A) at least 1 shall be located on the northern border of the United States; and

(B) at least 1 shall be located on the southern border of the United States.

(3) SELECTION CRITERIA.—To ensure that 1 of the facilities selected as a port of entry demonstration site for the demonstration program has the most up-to-date design, contains sufficient space to conduct the demonstration program, has a traffic volume low enough to easily incorporate new technologies without interrupting normal processing activity, and can efficiently carry out demonstration and port of entry operations, 1 port of entry selected as a demonstration site may—

(A) have been established not more than 15 years before the date of the enactment of this Act;

(B) consist of not less than 65 acres, with the possibility of expansion onto not less than 25 adjacent acres; and

(C) have serviced an average of not more than 50,000 vehicles per month during the 12 months preceding the date of the enactment of this Act.

(d) RELATIONSHIP WITH OTHER AGENCIES.—The Secretary, acting through the Commissioner, shall permit personnel from appropriate Federal agencies to utilize a demonstration site described in subsection (c) to test technologies that enhance port of entry operations, including those related to inspections, communications, port tracking, identification of persons and cargo, sensory devices, personal detection, decision support, and the detection and identification of weapons of mass destruction.

(e) REPORT.—

(1) REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the activities carried out at each demonstration site under the technology demonstration program established under this section.

(2) CONTENT.—The report shall include an assessment by the Commissioner of the feasibility of incorporating any demonstrated technology for use throughout United States Customs and Border Protection.

SEC. 608. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In addition to any funds otherwise available, there are authorized to be appropriated such sums as may be necessary to carry out sections 603, 604, 605, 606, and 607 for FY2009–FY2013.

(b) INTERNATIONAL AGREEMENTS.—Funds authorized to be appropriated under this title may be used for the implementation of projects described in the Declaration on Embracing Technology and Cooperation to Promote the Secure and Efficient Flow of People and Commerce across our Shared Border between the United States and Mexico, agreed to March 22, 2002, Monterrey, Mexico (commonly known as the Border Partnership Action Plan) or the Smart Border Declaration between the United States and Canada, agreed to December 12, 2001, Ottawa, Canada that are consistent with the provisions of this title.

AMENDMENT NO. 2422

(Purpose: To conduct a study to improve radio communications for law enforcement officers operating along the international borders of the United States)

At the appropriate place, insert the following:

SEC. ___. STUDY OF RADIO COMMUNICATIONS ALONG THE INTERNATIONAL BORDERS OF THE UNITED STATES.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall conduct a study to determine the areas along the international borders of the United States where Federal and State law enforcement officers are unable to achieve radio communication or where radio communication is inadequate.

(b) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Upon the conclusion of the study described in subsection (a), the Secretary shall develop a plan for enhancing radio communication capability along the international borders of the United States.

(2) CONTENTS.—The plan developed under paragraph (1) shall include—

(A) an estimate of the costs required to implement the plan; and

(B) a description of the ways in which Federal, State, and local law enforcement officers could benefit from the implementation of the plan.

AMENDMENT NO. 2526

(Purpose: To provide that certain funds shall be made available to the United States Citizenship and Immigration Services for the fraud risk assessment relating to the H–1B program is submitted to Congress)

At the appropriate place, insert:

Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

AMENDMENT NO. 2445 AS MODIFIED

At the end, add the following:

SEC. 536. (a) REPORT ON INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.—Not later than 180 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to Congress a report and make the report available on its website on the implementation and use of interagency operational centers for port security under section 70107A of title 46, United States Code.

(b) ELEMENTS.—The report required by subsection shall include the following:

(1) A detailed description of the progress made in transitioning Project Seahawk in Charleston, South Carolina, from the Department of Justice to the Coast Guard, including all projects and equipment associated with that project.

(2) A detailed description of that actions being taken to assure the integrity of Project Seahawk and ensure there is no loss in cooperation between the agencies specified in section 70107A(b)(3) of title 46, United State Code.

(3) A detailed description and explanation of any changes in Project Seahawk as of the date of the report, including any changes in Federal, State, or local staffing of that project.

AMENDMENT NO. 2465, AS MODIFIED

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title III for necessary expenses for programs authorized by the Federal Fire Prevention and Control Act of 1974 under the heading ''FIREFIGHTER ASSISTANCE GRANTS'' is hereby increased by $5,000,000 for necessary expenses to carry out the programs authorized under section 34 of that Act (15 U.S.C. 2229a).

(b) The amount appropriated by title III under the heading ''INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY'' is hereby reduced by $5,000,000.

AMENDMENT NO. 2508

(Purpose: To provide funds to modernize the National Fire Incident Reporting System and to encourage the presence of State and local fire department representatives at the National Operations Center)

On page 35, line 15, strike ''costs.'' and insert the following: ''costs: *Provided further*, That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.''.

On page 5, line 3, strike ''expenses.'' and insert the following: ''expenses: *Provided*, That

the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.''.

AMENDMENT NO. 2509

(Purpose: To mitigate the health risks posed by hazardous chemicals in trailers provided by Federal Emergency Management Agency, and for other purposes)

On page 5, line 20, before the period, insert the following: '': *Provided*, That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations''.

On page 35, line 15, before the period, insert the following: '': *Provided further*, That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency''.

On page 40, line 24, before the period, insert the following: '': *Provided further*, That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: *Provided further*, That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: *Provided further*, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: *Provided further*, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: *Provided further*, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: *Provided further*, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

AMENDMENT NO. 2463

(Purpose: To apply basic contracting laws to the Transportation Security Administration)

At the appropriate place, insert the following:

SEC. ____. TSA ACQUISITION MANAGEMENT POLICY.

(a) IN GENERAL.—Section 114 of title 49, United States Code, is amended by striking subsection (o) and redesignating subsections (p) through (t) as subsections (o) through (s), respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 180 days after the date of enactment of this Act.

AMENDMENT NO. 2490

(Purpose: To provide for a report on regional boundaries for Urban Area Security Initiative regions)

On page 69, after line 24, add the following:

SEC. 536. REPORT ON URBAN AREA SECURITY INITIATIVE.

Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

AMENDMENT NO. 2521

(Purpose: To provide for special rules relating to assistance concerning the Greensburg, Kansas tornado)

At the appropriate place, insert the following:

SEC. ____. (a) In this section:

(1) The term ''covered funds'' means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term ''professional municipal services'' means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

AMENDMENT NO. 2467, AS MODIFIED

On page 69, after line 24, add the following:

SEC. 536. DATA RELATING TO DECLARATIONS OF A MAJOR DISASTER.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, except as provided in subsection (b), and 30 days after the date that the President determines whether to declare a major disaster because of an event, and any appeal is completed; the Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, and the Senate Committee on Appropriations and publish on the website of the Federal Emergency Management Agency, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster;

(b) EXCEPTION.—The Administrator may redact from a report under subsection (a) any data that the Administrator determines would compromise national security.

(c) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Federal Emergency Management Agency; and

(2) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

AMENDMENT NO. 2474

On page 17, line 6, before the period, insert the following: '': *Provided further*, the Secretary of Homeland Security shall ensure that the workforce of the Federal Protective Service includes not fewer than 1,200 Commanders, Police Officers, Inspectors, and Special Agents engaged on a daily basis in protecting Federal buildings (under this heading referred to as 'in-service'): Contingent on the availability of sufficient revenue in collections of security fees in this account for this purpose. *Provided further*, That the Secretary of Homeland Security and the Director of the Office of Management and Budget shall adjust fees as necessary to ensure full funding of not fewer than 1,200 in-service Commanders, Police Officers, Inspectors, and Special Agents at the Federal Protective Service''.

AMENDMENT NO. 2522, AS MODIFIED

At the appropriate place, insert the following:

SEC. 536. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University may be included as a member institution of such Center.

AMENDMENT NO. 2524

(Purpose: To provide funding for security associated with the national party conventions)

At the end of the bill, insert the following:

SEC. ____. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

Mrs. MURRAY. I believe those are all the amendments to come before the Senate.

AMENDMENT NO. 2521

Mr. KENNEDY. Mr. President, on May 4, Greensburg, KS, was devastated by a tornado. Our thoughts and prayers are very much with the many families affected by this disaster, and we fully support their rebuilding efforts.

I strongly support the amendment offered by Senator ROBERTS and Senator BROWNBACK to the Homeland Security appropriations bill that would allow Greensburg to hire the essential workers it needs to help rebuild the town.

The protections in current law governing national emergency grants under the Workforce Investment Act serve an important purpose. They ensure that the program is targeted to help workers who need it most, and is not used to displace public sector workers with workers that do not receive the same wage and merit system protections.

Greensburg, however, faces unique circumstances. In the wake of the disaster, this small city has an obvious need for professionals—such as zoning experts, planning professionals, and building inspectors—with expertise that is not readily available in the area. In these unique circumstances, the waivers provided for in this bill are a reasonable response. It is obviously not, however, a precedent for future recipients of these emergency grants.

I hope very much that these waivers will do as much as possible to help the people of Greensburg restore their city and rebuild their lives, and I wish them well in the years ahead.

AMENDMENT NO. 2474

Mrs. CLINTON. Mr. President, my amendment is an amendment I wish I did not have to offer. It is necessary, unfortunately, because of the administration's continued plan to outsource or privatize critical components of our homeland security.

I am proud to have Senators KENNEDY, SCHUMER, LAUTENBERG, AKAKA, MENENDEZ, KERRY, MIKULSKI, CARDIN and the chairman and ranking member of the Senate Homeland Security and Government Affairs Committee respectively, Senator LIEBERMAN and Senator COLLINS, as cosponsors of this amendment.

This amendment also has the endorsement of the American Federation of Government Employees. I will ask to have printed in the RECORD their letter of support.

Mr. President, the most recent key judgments of the National Intelligence Estimate were crystal clear: our homeland is under a ''heightened threat environment'' and that al-Qaida is undiminished in its goal in attacking us here at home.

At the very same time, despite a lot of tough rhetoric, the Bush administration wants to cut the only Federal agency responsible for protecting nearly 9,000 nonmilitary Federal buildings nationwide.

The Federal Protective Service, or FPS, protects more than 1.1 million Federal employees located in more than 2,100 communities across our country.

While protecting Federal buildings, the FPS also monitors the qualifications and performance of 15,000 privately contracted security guards.

In 1995, after the Oklahoma City bombing, the General Services Administration and Congress concluded that FPS required 1,480 field personnel to do its duty.

After 9/11, as we face even greater threat, as we have rightfully heightened our security and vigilance here at home, the Bush administration has slashed FPS personnel to fewer than 1,200. If it has its way, the administration will cut that number to 950 in 2008.

Just today, we learned that the FPS has recently issued an internal document, entitled ''Increased Risk of Terrorist Attack This Summer'' detailing high-risk threats to Federal buildings and employees.

The inspector general of the Department of Homeland Security, Richard L. Skinner, investigated the FPS. Among the disturbing findings: Only a dozen FPS employees are tasked with checking the credentials and performances of the 5,700 guards in the DC area—''an inadequate number'' according to the audit; 30 percent of contract security guards in the sample had at least one expired certification, security contractors failing to perform security services according to terms and conditions of their contracts.

The report concluded that many of the deficiencies cited occurred because FPS personnel were not effectively monitoring the contract guard program.

On May 1, 2007, Jim Taylor, the deputy inspector general for the Department of Homeland Security testified before the House Committee on Homeland Security and stated that further reductions in the FPS ''could lead to uneven effects across the nation, perhaps place some facilities at risk.''

Last month, contract security guards did not show up for work at the Department of Education and two Food and Drug Administration offices. The contract guards' employer had not paid 400 employees in a month, citing financial difficulties. But FPS did pay the company for its services. It turns out that the company's president served 5 years in jail for bank fraud and money laundering. According to company's general manager, the president of the company used company money to pay for luxury condos here in the District of Columbia and in Myrtle Beach, SC.

This latest episode only underscores the importance of not cutting the Federal Protective Services staff, but increasing it. It not only saves us from wasting Federal resources—it could save lives.

My amendment would stop the Department of Homeland Security from continuing to downsize the Federal

Protective Service. The amendment would require the Secretary of Homeland Security to assure that the workforce of the Federal Protective Service includes no fewer than 1,200 commanders, police officers, and special agents engaged on a daily basis in protecting Federal buildings.

This amendment does not require an offset or any additional spending. FPS operations are solely funded through security fees and reimbursements paid for by Federal agencies. The amendment would require the Office of Management and Budget and the Department of Homeland Security to adjust Federal building security fees as necessary to ensure full funding of not fewer than 1,200 in-service commanders, police officers, inspectors, and special agents at the Federal Protective Service.

Mr. President, security on the cheap is no security at all. Our Nation faces serious threats—this Congress should demand a response by the Bush administration commensurate with the danger—and the President's own rhetoric. I ask my colleagues to join me to ensure that the Federal Protective Services has the personnel needed to do its job and that we do not send the message that our Federal buildings are exposed.

Mr. President, last week's key judgments of the National Intelligence Estimate made clear that al-Qaida has ''protected or regenerated key elements of its Homeland attack capability'' and is now as strong as it was in 2001.

I commend the work of Senator BYRD and the members of the Appropriations Committee for putting together a Homeland Security appropriations bill that supports tough and smart measures to make our country more secure. This is a must-pass piece of legislation that we cannot afford to delay and I urge my colleagues on the other side of the aisle not to obstruct this critical legislation so we can implement these measures to make our country more secure.

I ask unanimous consent to have printed in the RECORD the letter to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES, AFL-CIO,
Washington, DC, July 24, 2007.

DEAR SENATOR: On behalf of the American Federation of Government Employees, AFL-CIO, I urge you to support Senator Clinton's amendment to the FY '08 Homeland Security Appropriations bill to insure that our nation's federal buildings are adequately protected. For the past several months the Department of Homeland Security's U.S. Immigration and Customs Enforcement has been implementing a proposal to eliminate over 350 commanders, police officers, and special agents from the Federal Protective Service (FPS). Experienced law enforcement officers have been actively encouraged to leave the agency. leaving vulnerable countless federal buildings that once receive around-the-clock FPS protection.

The Bush Administration is attempting to unilaterally alter the mission of this critical homeland security agency despite the demonstrated need for high security at federal buiidings and complexes. It would be hard to forget that day in April 1995, when domestic terrorists Timothy McVeigh and Terry Nichols drove up to the Alfred P. Murrah building in Oklahoma City and unleashed the first major terrorist attack in the U.S. In the post–9/11 world in which we live, to eliminate the law enforcement and antiterrorism activities of the Federal Protective Service is unthinkable.

The Senate Appropriations Committee included strong language opposing the FPS plan and the House calls it an unfunded mandate and requires the agency to negotiate security agreements with every impacted state and local law enforcement agency, yet the Department continues to press forward with its misguided, dangerous initiative.

For this reason it has become necessary to require the Department to maintain a specified level of manpower in order to insure our continuing safety. In order to assure that the FPS is restored to its full complement of personnel, Senator CLINTON will offer an amendment to the Homeland Security Appropriations bill that requires the Department to maintain a minimum of 1200 total in-service personnel (Commanders, Inspectors, Police Officers and Special Agents). This is based on a field staffing level for FPS of 1480 which was GSA's target until 2003.

The Federal Protective Service is an often overlooked, yet critical component of our overall homeland security safety net. The GAO has been asked by the Chairman and Ranking Member of the Senate Homeland Security and Governmental Affairs Committee to conduct a review of FPS funding and other issues. We strongly believe that in view of that pending study, fundamental reform of the FPS mission, such as the Administration is proposing, is inappropriate and should be stopped.

Sincerely,

BETH MOTEN,
Legislative and Political Director.

AMENDMENT NO. 2487

Mr. President, I would have called up amendment No. 2487.

This amendment is also cosponsored by Senator DORGAN.

Mr. President, in a little over a week, the Transportation Security Administration plans to lift its ban on disposable butane lighters, a decision that is both ill-advised and ill-considered. Lifting the ban on these lighters defies common sense and ignores the TSA's own recommendations.

In March 2005, a TSA spokesman said, ''The threat posed by lighters on board is valid.'' TSA has warned that al-Qaida and those seeking to do us harm intend to use everyday household items to conceal explosives and detonate them on board airliners.

In fact, the TSA actually wanted to go further than banning lighters alone. The TSA wanted to ban matches, too. But the Bush administration demanded that the TSA conduct cost-benefit analysis before banning matches, another decision that calls into question the commitment within the administration to matching security rhetoric with smart security policies. Even the CEO of the Zippo Company, a company that manufactures disposable butane lighters, expressed support for the lighter ban stating, ''We're never going to get lighters back into the cabin in carry-on baggage. We never really argued with the TSA on that because we don't want to compromise safety in any way.''

And we all remember, in December 2001, when Richard Reid, the so-called ''Shoe Bomber,'' attempted to murder 197 people onboard an American Airlines flight when he attempted to set off explosives hidden in his shoe using a box of matches. According to the FBI, Reid likely would have been successful if he had used a butane lighter.

The TSA claims that lifting the ban will free up time for security officers to focus on finding more high threat items. However, the TSA is not lifting the ban on all lighters. Passengers will still not be allowed to carry torch lighters or cigar lighters onboard an aircraft.

The result? Instead of banning all lighters, security officers will now have to differentiate between disposable butane lighters and other lighters in every single piece of luggage that they have to inspect. Even on the TSA's own website the difference between what is acceptable and what is not is hard to discern.

And this justification has been tested before, when the TSA lifted the ban on small scissors and knives. In April, the Government Accountability Office released a report on that decision. The GAO found that it is unclear whether lifting that ban ''had any impact on Transportation Security Officers' ability to detect explosives—a key goal for the change.''

The decision to lift the ban on disposable butane lighters makes inspecting luggage more difficult, makes the rules more complicated, and makes the skies more dangerous.

So, let's briefly summarize the TSA's decision. You can bring a disposable butane lighter but not a cigar lighter or a torch lighter. You can bring a fueled lighter onboard but you cannot check it in your luggage. You can bring explosive liquid in the form of a fueled butane lighter but cannot bring a large tube of toothpaste in the form of toothpaste. And you don't need the lighter anyway because you cannot smoke onboard. It seems that common sense has left the gate at the Transportation Security Administration.

Mr. President, my amendment would have continued to prohibit butane lighters onboard an aircraft until the TSA provides Congress a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard an aircraft, as well as any supporting analysis justifying their conclusions.

Further, my amendment would have required the GAO to conduct an assessment of the report submitted by TSA to Congress. Until these reports were conducted, the ban on butane lighters would remain in place.

My amendment has the support of the 55,000-member Association of

Flight Attendants. I will ask that a letter from the Association of Flight Attendants be printed in the RECORD.

Flight attendants are on the front lines in the event of a terrorist attack involving aircraft. They are our first responders onboard and understand what could constitute a dangerous tool in the hands of a determined terrorist. After September 11, 2001, keeping weapons—and any device that could be used as a weapon—off passenger airplanes is not ''security theatre.'' It is security, plain and simple.

My amendment also has the endorsement of the Federal Law Enforcement Officers Association, which represents over 25,000 Federal law enforcement officers, including Federal Air Marshals. I will ask that their letter of support be printed in the RECORD.

In their letter, they say that ''allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals who protect them.''

I ask that my colleagues join me in support of this amendment. Let's restore common sense and do all we can to limit the kinds of potential weapons terrorists may employ onboard aircraft.

Mr. President, I ask unanimous consent that the letters to which I referred by printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATION OF FLIGHT ATTENDANTS—CWA, AFL–CIO,
Washington, DC, July 25, 2007.

DEAR SENATOR CLINTON: On behalf of the 55,000 members from 20 Airlines represented by the Association of Flight Attendants—CWA, I am writing to express our support for your efforts to reinstitute the ban on lighters onboard passenger aircraft. We look forward to working with you to reinstitute this common sense security measure.

As the first responders onboard passenger aircraft, we were extremely frustrated with the decision by the Transportation Security Administration (TSA) in December of 2005 to lift the ban on scissors, screwdrivers and other tools that could be used as potential weapons onboard the aircraft. Such a move by the TSA was shortsighted and not in the best interest of the overall security of passenger aircraft and our aviation system. Furthermore, they failed to take into consideration the concerns of flight attendants, those that are jeopardized the most by reintroducing these dangerous items into our workplace.

This recent TSA decision to lift the ban on lighters is no different. It is yet another shortsighted move on their part to supposedly free up screener time to check for other, more dangerous, items. If the shoe bomber, Richard Reid, had a lighter during his efforts to bring down an American Airlines flight he most likely would have succeeded. The ban on lighters was a common sense move to prevent another tragedy and must be reinstated.

Flight attendants are in a unique position, as the first responders onboard all passenger aircraft, to know what could constitute a dangerous tool in the hands of a determined terrorist. We remain adamant that TSA must reinstitute its ban on small blades and tools and this recent decision to allow lighters onboard the aircraft should be reinstated.

Again, we look forward to working with you to reinstate this common sense safety procedure.

Respectfully,

PATRICIA A. FRIEND,
International President.

FEDERAL LAW ENFORCEMENT OFFICERS ASSOCIATION,
Lewisberry, PA, July 26, 2007.

Hon. HILLARY CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: As the President of the Federal Law Enforcement Officers Association (FLEOA), representing over 25,000 Federal law enforcement officers, I wish to offer our support for continuing the ban on butane lighters on commercial aircraft.

A decision to change the ''Prohibited Item List'' and allow butane lighters on commercial aircraft could have potentially life threatening consequences. If in the well known ''shoe bomber case'' Richard Reid had used a butane lighter the results might have been catastrophic.

Both the flying public and TSA screeners have become accustomed to the ban on butane lighters and a change now would only create confusion among them. Furthermore, allowing butane lighters onto commercial aircraft would jeopardize the safety of both the flying public and the Federal Air Marshals (FAMs) who protect them.

We fully support your efforts to keep butane lighters on the ''Prohibited Item List'' however we continue to have concerns about certain items that have been removed in the past. The safety of Federal law enforcement officers who fly armed to prevent terrorist attacks should never be compromised. The safety of the flight crew and the flying public is of paramount importance to all of us.

If I can be of any assistance, please feel free to contact me at 917–738–2300.

Sincerely,

ART GORDON,
National President.

FUNDING FOR MASS TRANSIT AND COMMUTER RAIL SYSTEMS

Mr. CASEY. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman of the Appropriations Committee, Senator BYRD, concerning the amendment I have filed to the pending bill on the floor regarding the use of Transit Security Grant Program funding for mass transit and commuter rail systems across the Nation. My fellow home State Senator, Mr. SPECTER, is a cosponsor of this amendment. As the chairman is aware, the Southeastern Pennsylvania Transit Authority, SEPTA, is the fifth largest public transportation system in the Nation. SEPTA's mulimodal transit system provides a network of fixed-route service, including bus, subway, subway-surface, regional rail, light rail, trackless trolley and paratransit service. The SEPTA service area includes the heavily populated southeastern Pennsylvania counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia. This area encompasses approximately 2,200 square miles. SEPTA serves over one-half million customers daily and provides over 303 million passenger trips annually. The safety and security of its passengers, infrastructure and equipment is a priority for SEPTA and it is a priority for me.

The current SEPTA communications system does not permit communication inside the system's 20-mile commuter tunnel network and underground concourses. This puts significant limits on SEPTA's ability to deal with emergencies that occur in its underground facilities. To address this matter, SEPTA is working to develop a system that will allow the Authority to effectively participate in all emergency response and recovery actions which may occur in the system's tunnel network. This project will enable SEPTA to take measures to enhance safety and security.

Based upon my conversations with SEPTA officials, I understand that it has been unable to fully utilize Federal homeland security funds in past years for this initiative. SEPTA officials report that Federal restrictions require expenditure of homeland security funds within a 3-year time period. SEPTA officials further report that implementing a system-wide underground communications network, including appropriate use of capital investment planning and effective procurement practices, is not possible within this existing time frame. SEPTA has therefore been unable to make the progress it desired on this project.

Given the potential consequences of current restrictions, it was my hope that an amendment expanding the timeframe for expenditure of fiscal year 2008 Transit Security Grant Program funds from the existing 36 months to 48 months be adopted to enable transit systems across the nation, including SEPTA, to use their available funds in a more flexible manner.

It is my understanding that the chairman of the Appropriations Committee, as well as the chairman of the authorizing committee, the Banking, Housing, and Urban Affairs Committee, has several concerns regarding this amendment. I fully appreciate the valid points they raise and look forward to working with them to come to an appropriate solution. I would note that the distinguished Member from West Virginia has been very supportive of assistance in providing appropriate Federal funding for important homeland security initiatives in my home State and I wish to convey my gratitude.

Mr. BYRD. I thank the distinguished Member from Pennsylvania for his remarks on the amendment he has filed. The safety and security of our Nation's mass transit systems is a critical priority for me. We only need be reminded of the terror attacks in Madrid on a commuter rail system in 2004 and in London on the underground system in 2005 to appreciate the magnitude and urgency of the threat to our transit and rail networks.

I look forward to working with my colleague to help ensure that SEPTA, and all mass transit and commuter rail systems, have the necessary resources to ensure their safety and security, including facilitation of communications

between first responders in the event of an attack. To the extent that the SEPTA system faces a unique challenge with regard to flexibility and duration of use of their existing Federal funds, I look forward to working with you and the Federal Emergency Management Agency to find an appropriate solution that meets the legitimate safety needs of the passengers and employees of the system.

THE NORTHERN BORDER

Mr. LEVIN. Mr. President, the PATRIOT Act required that DHS triple the number for border patrol agents at the northern border, the Trade Act of 2002 required 285 additional customs inspectors for the northern border and the Intelligence Reform and Terrorism Prevention Act of 2004 included a provision that authorized an increase of 2,000 U.S. border protection agents each year from FY2006 through FY2010 and further required that 20 percent of the increase in agent manpower each fiscal year be assigned to the northern border. However, nearly a third of those agents have not been deployed to the northern border. According to the Congressional Research Service, the gap between the authorized level of Customs and Border Protection officers at the northern border and the actual number of officers deployed there will be roughly 1,517 in FY2008.

I am pleased that the Senate just passed the Graham-Pryor amendment that will provide $3 billion for border security and 23,000 full time agents to our borders. I ask my friend from West Virginia, the chairman of the Appropriations Committee, is it the intent of the amendment to provide those assets to both the northern and southern borders, and, to further implement the authorizations I mentioned, to deploy more agents to the northern border?

Mr. BYRD. I appreciate my friend from Michigan's concern about the northern border and tell him that yes, the amendment is meant to increase staffing at both of our borders and it is not the intent of the amendment to favor one border over the other. The Appropriations Committee has been clear in its support for the Border Patrol and its mission of preventing entry into the Untied States of illegal aliens, terrorists, weapons of mass destruction and other illicit goods or individuals. Further, in recognition of the importance of security at our northern border, the Appropriations Committee has directed the Secretary of Homeland Security to assign to the Northern Border 20 percent of the net increase in agents in fiscal year 2008.

Mr. TESTER. I thank Senator BYRD for this important clarification. I thank Senator LEVIN for being such a leader on this issue. I think it is important that people understand that this is not an issue that the northern states just decided to raise in the interest of getting our fair share. It is a matter of national security. The 9/11 Commission's report cites a lack of balance in manpower between the northern and southern borders. They note that the would-be terrorists in the millennium plot were detained on the northern border.

This is not about being parochial. This is about our national security. This is about making sure that we have the resources to stop a terrorist from bringing materials for a dirty bomb in from Canada. It's about stopping the flow of illegal immigrants and illegal drugs like meth and marijuana that come in from the north each year.

So I thank Chairman BYRD for clarifying that the additional Border Patrol personnel and funding contained in the Graham-Pryor amendment is not just going to go to the southern border, but will go to both of our borders. This amendment is vital to our homeland security, and I think that if the northern border gets 20 percent of the resources outlined in the amendment, we will have really done something significant to enhance the security of our 4,300 mile border with Canada. And so I thank the authors of the amendment, one of whom is here with us.

Senator GRAHAM, can you clarify that the intent of your amendment was to make additional Border Patrol agents and funding available for both the northern and southern border?

Mr. GRAHAM. My friend from Montana is correct. The intent of the amendment was to improve our security and increase assets at both the northern and southern borders.

AMENDMENT NO. 2481

Mr. SPECTER. Mr. President, I seek recognition to explain my vote against the DeMint amendment no. 2481 to the Fiscal Year 2008 Homeland Security Appropriations Act.

I voted against the DeMint amendment because it prohibited the Secretary from modifying the existing list of crimes disqualifying someone from receiving a Transportation Worker Identification Credential when circumstances warrant a regulatory change. Sound public policy requires flexibility on such matters and Congress can rely on the Secretary, a Cabinet official, to exercise sound discretion. If the Secretary fails to do so, Congress can always intervene and change the law.

Mr. BIDEN. Mr. President, today I voted in favor of tabling the Alexander-Collins amendment on the REAL ID Act, Senate Amendment 2405, because I wanted to prevent reducing by almost 1 percent critical Federal spending on port and rail security, first responders' resources, and other homeland security protections. Rail infrastructure is the most widely attacked terrorist target in the world, and we must increase, not decrease, funding for our railroads. Similarly, port security is a top priority in our antiterrorism campaign, and I opposed this effort to divert funding from protecting our ports. I appreciate the work of my colleagues on the Senate Appropriations Committee to craft a balanced spending bill.

Mr. KERRY. Mr. President, I support the fiscal year 2008 Department of Homeland Security, DHS, appropriations bill. The underlying legislation provides $37.5 billion—$2.3 billion more than the President requested—to help DHS defend against what the recently declassified National Intelligence Estimate, NIE, concluded will be ''a persistent and evolving terrorist threat over the next three years.''

The President, however, has threatened to veto this bill and hold up essential security funding because its funding level is slightly above his budget request. After years of underfunding homeland security, cutting taxes for the wealthy at the expense of the middle class, and failing to veto one pork-laden spending bill passed by the GOP Congress, it is hard to take the President's sudden conversion to fiscal responsibility seriously. He has long since proven his appetite for spending beyond our means and has lost the support of his fiscally conservative base.

In crafting this and other spending bills, the Democratically-controlled Congress is meeting our needs while adhering to pay-as-you-go rules which will help stem the record deficits of the last 6 years. This critical legislation funds important programs to protect the border, improve aviation security, fund and train first responders, and provide disaster relief to the States, and it does it without busting the budget.

I am especially pleased that the bill provides $1 billion above the President's budget request for State and local grant programs such as the Urban Area Security Initiative and Port Security Grant Program. This will ensure that Massachusetts and other strategically important States receive an increase in counterterrorism funding in 2008. I remained concerned, however, that DHS still does not award grants solely according to risk. Given the sobering conclusions of the NIE, we cannot afford to misallocate homeland security grants. I thank Chairman BYRD and Senator COCHRAN for accepting an amendment that I offered which requires the Government Accountability Office to review the methodology the department uses to rank States and cities according to risk. Congress needs to know this information so that it can make informed decisions regarding the Department's grant policies.

I also want to thank Chairman BYRD and Senator COCHRAN for accepting my amendment to create a pilot program to test automated document authentication technology at ports of entry. The technology DHS uses to authenticate foreign travel documents is unfortunately no better now than on 9/11. It simply checks personal information against databases which we know are not always accurate. In keeping with the recommendations of the 9/11 Commission, this pilot program will hopefully compel DHS to deploy technology that can detect security features and distinguish between real and fraudulent travel documents. DHS is spending millions to implement the US–VISIT

and Western Hemisphere Initiative but has yet to test technology that can authenticate the documentation that visitors will be required to provide under those programs. It is imperative that DHS conduct this pilot program as soon as possible and improve its ability to detect fraudulent travel documents.

The Senate also adopted a bipartisan amendment to add $3 billion in emergency spending to help DHS hire more Border Patrol agents, detention beds, and monitoring equipment along the border which we all agree it needs. This amendment, while important, is not a substitute for finishing work on comprehensive immigration reform legislation, and I hope that Congress will revisit this important issue. Keeping 12 million undocumented workers in the shadows is neither good for our economy or our security.

Mr. President, H.R. 2368 provides for the first time adequate funding for agencies and programs within DHS. It would be irresponsible and reckless for the President to veto this bill, and I hope he reconsiders his position.

Mr. LEVIN. Mr. President, I will support final passage of the Homeland Security appropriations bill today because its funding is vital to our first responders and all of those responsible for protecting us.

Although all Americans are united in our commitment to secure our homeland, the administration's budget has too often not reflected that commitment. In particular, we have not kept faith with our first responders by giving them the tools they need, and we have not done enough to secure our borders. I am glad that this bill will make much needed improvements on these and other issues.

The bill appropriates $37.6 billion for homeland security programs for fiscal year 2008, which is an increase of $2.2 billion over the President's budget. Perhaps most significantly, the legislation provides vital funding to our first responders to protect our country from a terrorist attack and ensure that we are able to respond adequately should such an attack occur. Specifically, it provides $525 million for the State Homeland Security Grant Program, $820 million for the Urban Area Security Initiative, $700 million for the assistance to firefighters grants and $300 million for emergency management performance grants.

To secure our borders, a total of $10.2 billion is provided for Customs and Border Protection. I am pleased that, in addition to the funding in the underlying bill, the Senate also adopted an amendment to add an additional $3 billion for border security which will enable the Department of Homeland Security to hire, train and deploy 23,000 additional full-time boarder patrol agents and provide other essential security measures at our borders. The legislation also provides $4.432 billion for immigration and customs enforcement, including $146 million for 4,000 new detention beds.

Finally, I want to note that the bill increases funding for the Transportation Security Administration by $164.6 million above last year's level, which is $764 million more than requested by the President. It provides $529.4 million for the procurement and installation of explosive detection systems at airports.

The funding levels in this bill reflect our commitment to protecting the American people, and I am hopeful they will be maintained in conference and that we can quickly get this legislation to the President for his signature.

Mr. LAUTENBERG. Mr. President, I rise in strong support of the Homeland Security appropriations bill now on the floor. As a member of the Senate Appropriations Committee's Subcommittee on Homeland Security, I am proud of the bill we crafted. This bill will provide our country with more of the resources it needs to protect our communities and secure our residents.

Homeland security is particularly important to my home State. New Jersey lost 700 people on 9/11 families torn apart and lives ended without ever seeing loved ones again.

And New Jersey is ripe with targets for terrorists, from our ports to our chemical plants. In fact, the FBI has stated that the most dangerous 2 miles in America for terrorism lie within the stretch of land from Port Newark to Newark Liberty International Airport.

The level of funding for the Department of Homeland Security directly affects the safety of residents in my State.

That is why I'm glad that this legislation would invest $37.6 billion into making our homeland safer and more secure.

This figure is $2.2 billion more than what President Bush asked for. And because of that, the President is threatening to veto the bill. This is astonishing and it is wrong—$2.2 billion is less money than we spend in 1 week in Iraq.

The Senate must stand up, pass this legislation, and begin to turn a corner to provide more money to effectively defend our homeland.

In addition to more money for border security, this bill provides critical funding for first responders, including $560 million for firefighter equipment grants, $525 million for the State Homeland Security Grant Program—which is $275 million above the President's request—and $375 million for law enforcement and terrorism prevention grants.

This bill also doubles port and rail security grants in the Bush proposal to $400 million.

The Port of New Jersey and New York is largest port on the east coast—and the second-busiest container port in the country. Our ports in south Jersey are part of the Delaware River port system, which is the busiest crude oil tanker port in the country. Through these ports, many goods and materials transit to store shelves, gas pumps and factory assembly lines in the towns and cities in the interior of our country. In short, our ports are essential to our economy.

And in 2006, Amtrak had record ridership of 25 million. Ridership is already up in 2007 by 5 percent. On an average weekday, nearly a million New Jerseyans rely on our transit systems to get to work, including trains, buses, and light rail lines.

This funding for port and rail security is vital for our State.

In 2006, the President—with great fanfare—signed a port security which authorized $400 million for port security grants this year. But then he failed to fund it.

The Senate is prepared to follow through on the promise of this vital funding.

I am also proud that we are working to protect our homeland—and our economy—from terrorists who set their sights on hazardous cargoes at sea.

Senators INOUYE, STEVENS and I introduced legislation earlier this year to better protect maritime vessels carrying hazardous chemicals and petrochemicals. I am pleased that the committee has agreed with my request to include funding for maritime hazardous cargo protection—including liquefied natural gas—in this Homeland Security bill.

I am further pleased that the committee acknowledged in the Report for this bill the need to expand the laboratory space at the Transportation Security Lab, TSL, in Pomona, NJ, in order to accommodate the Department's explosives detection equipment certification program. This program certifies all explosives detection equipment used by the Transportation Security Administration, and provides certifications to equipment vendors. It is clear that this facility must be expanded to safely accommodate this important program.

Finally, I am glad the Senate is once again going on record to support my provision to protect the rights of states to pass chemical security laws that are stronger than Federal regulations.

DHS recently put rules into effect for the Federal regulation of chemical plant security. But in doing so, the agency wants to preempt states from enacting stronger chemical security laws. This is the wrong approach.

The language in the Homeland Security funding bill before us wisely preserves the right of states to adopt chemical security measures stronger than Federal regulations. This language is supported by the chairs of the 9/11 Commission, the National Governors Association, and the National Conference of State Legislatures.

Simply put: preempting State laws would make the people of my State and other States less safe.

The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the federal regulations. This

means that unless it is impossible to comply with both State law and Federal law, the State law is not preempted.

Between the increases in funding for first responders, port, rail and maritime security, and the protection of States rights to pass chemical security laws that are stronger than Federal regulations, this is the right bill at the right time.

I encourage my colleagues to support this legislation and I urge the President to sign it into law.

Mr. MCCONNELL. Mr. President, today marks an important milestone for this Congress. It seems that after spending the first half of the year staging political show-votes and investigations, our friends on the other side have woken up to the fact they only had two things to show for it: an angrier base and a long to-do list. In the fog of battle they forgot that getting things done in the Senate takes cooperation.

We have cooperated on this bill. And it is a lot better for it. I am extremely pleased the majority ultimately accepted Senator GRAHAM's border security amendment. We got the message last month: border security first. And now, thanks to this effort, we will be delivering a $3 billion downpayment on a stronger border. I also appreciate Senator CORNYN's insistence that interior enforcement be a part of that funding. To us it's pretty simple: there is no homeland security without border security. We will continue to push this idea on the floor of the Senate in the coming weeks and months. Today is just the beginning.

A lesson we can learn from the last 6 months is that there is a cost to everything. And the cost of putting off legislating in favor of around-the-clock politics is that there isn't much to show for it in the end.

It has been my view all along that we should have been working on appropriations bills all summer. Here we are almost in August and we have only passed one. So we are looking at a potential train wreck in September. But it is possible that if we work together, like we did this time, we can still make good progress. And I hope we do.

A brief word about cloture. Look: anybody who has been in the Senate for more than a week will tell you—if they are being honest—that 40 or so cloture votes in 6 months isn't a sign of minority obstruction; it is a sign of a majority that doesn't like the rules. The cloture club shouldn't be the first option. It should be the last. Hopefully today's vote is also a sign that we are moving away from cloture as a first resort.

I hope the majority will follow through on a pledge that the senior Senator from Illinois made on the first day of the session. He said the American people put Democrats in the majority "to find solutions, not to play to a draw with nothing to show for it." Very well said.

My Republican colleagues hope we can operate this way. I think it will be the best way to operate in the fall if we actually intend to legislate.

The PRESIDING OFFICER. If there are no further amendments, the question is on agreeing to the substitute, as amended.

The amendment (No. 2383), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mrs. MURRAY. 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 legislative 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 Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 89, nays 4, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—89

Akaka	Dorgan	Menendez
Alexander	Durbin	Mikulski
Allard	Ensign	Murkowski
Barrasso	Enzi	Murray
Baucus	Feingold	Nelson (FL)
Bayh	Feinstein	Nelson (NE)
Bennett	Graham	Pryor
Biden	Grassley	Reed
Bingaman	Gregg	Reid
Bond	Hagel	Roberts
Boxer	Harkin	Rockefeller
Brown	Hatch	Salazar
Bunning	Hutchison	Sanders
Burr	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Kennedy	Shelby
Cardin	Kerry	Smith
Carper	Klobuchar	Snowe
Casey	Kohl	Specter
Chambliss	Kyl	Stabenow
Clinton	Landrieu	Stevens
Cochran	Lautenberg	Sununu
Collins	Leahy	Tester
Conrad	Levin	Thune
Corker	Lieberman	Vitter
Cornyn	Lincoln	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dole	McCaskill	Wyden
Domenici	McConnell	

NAYS—4

Coburn	Inhofe
DeMint	Voinovich

NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The bill (H.R. 2638), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

Mrs. MURRAY. I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate insists on its amendment and requests a conference with the House, and the Chair appoints the following conferees:

The Presiding Officer appointed Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. GREGG, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. SHELBY, Mr. CRAIG, and Mr. ALEXANDER conferees on the part of the Senate.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank all Senators who worked very hard to get the Homeland Security appropriations bill completed. I thank Senator COCHRAN and Senator BYRD, managers of the bill. It has been a long process. We got a lot accomplished. We have one appropriations bill that we will now send to conference. I especially thank the staffs who spent long hours.

I ask unanimous consent to have their names printed in the RECORD and to thank them publicly.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAJORITY STAFF

Charles Kieffer
Chip Walgren
Scott Nance
Drenan E. Dudley
Tad Gallion
Christa Thompson
Adam Morrison

MINORITY STAFF

Rebecca Davies
Carol Cribbs
Mark Van de Water

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1, which the clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1)

to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States, having met, after full and free conference, have agreed that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

The Senate proceeded to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 25, 2007.)

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that we proceed as under the previous order to debate Senator DEMINT's motion to recommit the conference report and that following the vote on the DeMint motion, if his motion is defeated, the Senate vote on the conference report as under the previous order, with the debate time on the conference report reserved for after the votes; further that the time on the motion to recommit be reduced to 10 minutes equally divided.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. Mr. President, reserving the right to object—I will not object, obviously—I want to thank all Senators on both sides for being willing to make their remarks after the vote. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

MOTION TO RECOMMIT

Mr. DEMINT. Mr. President, I know we are all tired and we have agreed to cut this short. But this 9/11 Commission bill is very important and a part of it that we have talked about tonight and actually for the last year is port security. All of us agreed once again tonight that we should not allow convicted, serious felons to have access to secure areas of our ports. Unfortunately this amendment tonight was on an appropriations bill, and it restricted the use of funds for 1 year. We have passed another time as part of the Safe Ports Act—94 to 2—to do this same thing: to take the Department of Homeland Security regulations they passed after careful study and codify it into law. But the 9/11 conference bill has come back to us and, once again, gutted that provision.

The reason it has been gutted is this: Once we pass this conference report the way it is, and it allows the Secretary to waive, to change, or to leave certain felonies that are listed, then it opens the whole regulatory process to lawsuit and challenge on a continuous basis.

We have voted in the open tonight to stop that from happening, to stop convicted felons from working in secure areas of our ports. My motion tonight is very simple. It is to recommit this bill to committee to restore the amendment in the exact words that we have passed on the floor and to avoid the watering down and the gutting of a very important port security measure.

The Senate has voted 93 to 1 tonight. The House voted last week on the same measure 354 to 66.

What the 9/11 Commission bill does is allow the Secretary to eliminate or change listed felonies, allowing TWIC cards, these secure area cards, to possibly be given to those who have been convicted of smuggling, arson, kidnapping, rape, extortion, bribery, money laundering, hostage taking, unlawful use of a firearm, drug dealing, immigration violations, assault with intent to kill, robbery, fraudulent entry to a seaport or racketeering.

These are serious crimes. Although there is often talk of giving people a second chance, that second chance should not come at the expense of the security of our Nation.

Mr. President, I send this motion to the desk, which they have, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] moves to recommit H.R. 1, an act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks upon the United States, to the conference on the disagreeing votes of the two Houses on such bill, with an instruction that the conferees on the part of the Senate insist on the matter contained in section 1455 of the Senate engrossed amendment, which prohibits the issuance of transportation security cards to convicted felons.

Mr. DEMINT. Mr. President, I ask my colleagues to recommit this bill. It is something that can be done quickly without delaying the final passage of this conference report, but it restores a very important provision we all voted on. I hope we can all support this motion to recommit.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, with respect to my friend from South Carolina, I rise to urge my colleagues to defeat this motion to recommit.

Like all legislation that makes it out of both Chambers and onto the President's desk, this bill contains compromise. Compromises are at the heart of the legislative process, reconciling differences between the House and the Senate. In fact, this process is at the very heart of this remarkable system our Founding Fathers designed for us. So it was with this legislation.

In some cases, the House yielded to the Senate; in others, the Senate yielded to the House. That is why we have a conference report that, on balance, will greatly strengthen our homeland security.

I would say to Senator DEMINT that I supported his language in the original Senate bill. It was slightly modified in conference. That happens. But we ended up with language that had the support of both Democratic and Republican conferees in both the House and the Senate.

In my opinion, the difference is not great. We simply give the Secretary of Homeland Security the authority, with his judgment as the protector of our homeland security, to decide when and if certain of these enumerated convictions ought not any longer to be a prohibition to working in our ports.

I respect Senator DEMINT's position, but what he has asked us to do is to recommit the bill and delay all of the improvements in security that come with the underlying bill. So my colleagues will have to answer the question about whether it is worth it, whether it is worth delaying provisions that will ensure better security against attacks on airplanes, better security with regard to maritime and air cargo, better security against terrorists entering this country via, for instance, the visa waiver program, better technology and support for our first responders, and a provision to provide immunity from liability for citizens who see what they take reasonably and in good faith to be action that appears to them to be associated with a terrorist attack. We protect them from liability from those they are complaining against.

If we do not pass this legislation tonight and enable the House to pass it next week, we are going to be delaying its movement to the President and its enactment into law.

So I respectfully oppose the motion and ask my colleagues to vote against recommittal.

I thank the Chair and yield back my remaining time.

The PRESIDING OFFICER. Who yields time?

The majority leader is recognized.

Mr. REID. Mr. President, thank you.

We have accomplished a lot today. We have had a few blowups but not for long. That is the way it is. For those of us who have been here a while, this reminded us all of how we used to legislate. This is fun for us legislators. It is great.

I am so happy we did not file cloture on this bill. We were able to work through it. I would say that we have earned tomorrow off. I am anxious the people who have the important trip to Greenland will be able to do that. We will not be in session tomorrow. The next vote will be on the children's health bill sometime Monday. We will do it Monday. The first vote will be at about 5:15 or 5:30 on Monday night. I think that should be about it. We will have this vote. We will finish this vote and one more, and then we will have some speeches, and that will be it for the day.

The PRESIDING OFFICER. The supporters of the motion have 2 minutes 12 seconds. The opponents of the motion have 1 minute 1 second.

Mr. DEMINT. Mr. President, I yield back the remainder of my time.

Mr. LIEBERMAN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit.

Mr. LIEBERMAN. 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 legislative 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 Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''nay.''

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 26, nays 67, as follows:

[Rollcall Vote No. 283 Leg.]

YEAS—26

Alexander	Crapo	Isakson
Barrasso	DeMint	Kyl
Bunning	Dole	McConnell
Burr	Ensign	Sessions
Chambliss	Enzi	Shelby
Coburn	Graham	Sununu
Corker	Grassley	Thune
Cornyn	Hutchison	Vitter
Craig	Inhofe	

NAYS—67

Akaka	Feinstein	Nelson (FL)
Allard	Gregg	Nelson (NE)
Baucus	Hagel	Pryor
Bayh	Harkin	Reed
Bennett	Hatch	Reid
Biden	Inouye	Roberts
Bingaman	Kennedy	Rockefeller
Bond	Kerry	Salazar
Boxer	Klobuchar	Sanders
Brown	Kohl	Schumer
Byrd	Landrieu	Smith
Cantwell	Lautenberg	Snowe
Cardin	Leahy	Specter
Carper	Levin	Stabenow
Casey	Lieberman	Stevens
Clinton	Lincoln	Tester
Cochran	Lugar	Voinovich
Collins	Martinez	Warner
Conrad	McCaskill	Webb
Domenici	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murkowski	
Feingold	Murray	

NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The motion was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mrs. MURRAY. 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), the Senator from South Dakota (Mr. JOHNSON), the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Minnesota (Mr. COLEMAN), the Senator from Mississippi (Mr. LOTT), and the Senator from Arizona (Mr. MCCAIN).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted ''yea.''

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 8, as follows:

[Rollcall Vote No. 284 Leg.]

YEAS—85

Akaka	Durbin	Murray
Alexander	Ensign	Nelson (FL)
Allard	Feingold	Nelson (NE)
Baucus	Feinstein	Pryor
Bayh	Grassley	Reed
Bennett	Gregg	Reid
Biden	Hagel	Roberts
Bingaman	Harkin	Rockefeller
Bond	Hatch	Salazar
Boxer	Hutchison	Sanders
Brown	Inouye	Schumer
Bunning	Isakson	Sessions
Burr	Kennedy	Shelby
Byrd	Kerry	Smith
Cantwell	Klobuchar	Snowe
Cardin	Kohl	Specter
Carper	Landrieu	Stabenow
Casey	Lautenberg	Stevens
Chambliss	Leahy	Sununu
Clinton	Levin	Tester
Cochran	Lieberman	Thune
Collins	Lincoln	Vitter
Conrad	Lugar	Voinovich
Corker	Martinez	Warner
Cornyn	McCaskill	Webb
Craig	McConnell	Whitehouse
Crapo	Menendez	Wyden
Domenici	Mikulski	
Dorgan	Murkowski	

NAYS—8

Barrasso	Dole	Inhofe
Coburn	Enzi	Kyl
DeMint	Graham	

NOT VOTING—7

Brownback	Johnson	Obama
Coleman	Lott	
Dodd	McCain	

The conference report was agreed to.

Mr. LIEBERMAN. 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.

SMALL BUSINESS TAX RELIEF ACT OF 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 30, following a period of morning business, the Senate proceed to calendar No. 58, H.R. 976, and that once the bill is reported, Senator BAUCUS be recognized to offer an amendment, which would be the text of the children's health legislation, also known as SCHIP, reported by the Senate Finance Committee.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. COBURN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. In view of the objection, I now move to proceed to calendar No. 58, H.R. 976, and I send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The 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. 58, H.R. 976, the Small Business Tax Relief Act of 2007.

Harry Reid, Max Baucus, Bernard Sanders, Jeff Bingaman, Ted Kennedy, Maria Cantwell, B.A. Mikulski, Barbara Boxer, Daniel K. Inouye, Christopher Dodd, Patty Murray, Benjamin L. Cardin, Barack Obama, Kent Conrad, Dick Durbin, Ken Salazar, Blanche L. Lincoln, Jack Reed.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, finally, I hope that Monday, after the Republicans have a chance to study this legislation, we can move without a vote to this most important legislation. I had indications from the other side that that may be the case. If that is not the case, we will try to invoke cloture on this matter.

I appreciate everybody's hard work today. I now withdraw the motion.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

Mr. REID. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut is recognized.

IMPLEMENTING RECOMMENDATIONS OF THE 9/11 COMMISSION ACT OF 2007

Mr. LIEBERMAN. Mr. President, before I describe some of the most important provisions in this legislation, I want to thank the 9/11 families who have played a critical role throughout this process. They first pushed for the establishment of the 9/11 Commission and then continued their fight, now through three major pieces of legislation, to see that its recommendations became law.

I want to thank the majority leader of the Senate for his leadership in helping to get this legislation through the Congress, and through a long but ultimately very productive conference.

I want to thank Senator COLLINS, Chairman THOMPSON, Senator COLLINS, Congressman KING, and all of my colleagues on the conference committee—and their staffs—on both sides of the aisle, from all of the relevant committees, and in both the House and the Senate for their willingness to work

through some difficult but critical issues to make our country safer.

All of us have not been able to agree on everything in this legislation, but most of us have agreed on most of it and that is why we are able to get this comprehensive legislation to the Congress, and hopefully, very soon, to the President's desk.

While this Nation was born in conflict, it was founded and grew in compromise—the melding of different threads of policy and personality into a national fabric that covers and protects us all.

This legislation was also born of conflict—the attacks by Islamist extremist terrorists against us on 9/11, and our response to these terrorists grows stronger as we come together in legislation like this.

This comprehensive, bipartisan legislation will make our Nation stronger, our cities and towns more secure and our families safer. Let me cite a few of its most important points:

Security enhancement in the legislation:

First, this legislation will help close one of the most obvious, and dangerous vulnerabilities in our Nation's defenses—that is the millions of cargo containers that flow into our country every year without being scanned and which could be the vehicle for bringing dangerous nuclear material into our country.

It requires that within 5 years, 100 percent of maritime cargo be scanned before it is loaded on ships in foreign ports bound for the United States. But it wisely gives the Secretary of Homeland Security the authority to extend this deadline in 2-year increments if certain conditions important to our economy are not met. This has been a contentious issue—but I believe this legislation strikes the right balance between aggressively pushing for better security while ensuring that we maintain a sensible approach.

This legislation also enhances security in nonaviation sectors that have received far too little protection in our own country, even while terrorists have demonstrated a willingness to attack them abroad—most notably in London and in Madrid. It requires that rail and transit systems work with DHS to develop comprehensive risk assessments and security plans, and authorizes more than $4 billion over 4 years for rail, transit, and bus security grants.

Keeping in mind that the 9/11 hijackers and Richard Reed, the shoe bomber, boarded commercial aircraft and traveled here legally, this legislation will make it harder for terrorists to enter our country, by adding much needed security enhancements to the Visa Waiver Program. These include a new electronic travel authorization system so that travelers from visa waiver countries can be checked against terrorist watch lists and improved reporting of lost and stolen passports.

This legislation also increases resources and staffing for the Human Smuggling and Trafficking Center and requires DHS to create a terrorist travel program to develop strategies and ensure coordination among relevant agencies involved with combating terrorist travel.

This legislation will also better secure our aviation system overall. It authorizes important funding increases for critical aviation security programs, like checkpoint screening, baggage screening and cargo screening on passenger aircraft. And it requires screening of all cargo carried onto passenger airlines within three years—again, closing another glaring vulnerability in our defenses that terrorists could exploit.

One of the critical failures of 9/11 was, of course, the failure to share vital information—and improving information sharing was a key recommendation of the 9/11 Commission.

While we have previously taken important steps to improve the unity of effort across intelligence agencies by creating the Director of National Intelligence and the National Counter Terrorism Center, this legislation moves the ball even further by strengthening the Information Sharing Environment, ISE, which was also established in the Intelligence Reform and Terrorism Prevention Act of 2004. It does so by extending the term of the ISE program manager and authorizing him or her to issue government-wide standards for information sharing, as appropriate, and rewarding government employees for sharing information.

And it will improve the sharing of information between the Federal Government and its State and local counterparts by codifying the new Interagency Threat Assessment Coordination Group, creating standards for State and local fusion centers, and ensuring that they receive Federal support and personnel. These measures will help ensure that intelligence to fight terrorism and keep Americans safe is shared more effectively among all levels of government.

In addition to strengthening Federal, State and local governments, as part of the compromise that brought this bill to the floor, this legislation will also provide legal protections to individuals who report suspicious activities. People acting in good faith to avert what they believe may be terrorist activity should not be punished for their vigilance.

Every citizen must observe his or her surroundings and be alert to suspicious activity without the fear of being sued for their life savings. That is why this bill grants immunity from lawsuits to those who in good faith report behaviour that they reasonably suspect is related to possible terrorist activity. We want to encourage—not discourage—citizens, like the video store employee in New Jersey, who stepped forward and alerted authorities to evidence which helped unravel a planned attack on Fort Dix.

This legislation will also improve the very controversial process for distributing homeland security grants, and just as importantly, it authorizes $2.2 billion in fiscal year 2008, increasing to $3.6 billion by 2012—$13.78 billion over the next 5 years—so that we can reverse the downward trend in funding for these programs that help State and local first preventers and responders do their jobs.

It authorizes for the first time the State Homeland Security Grant Program and Urban Area Security Initiative, UASI, to provide funds to States and high-risk urban areas to prevent, prepare, respond and recover from acts of terrorism. And it does so in a way that, while providing the vast majority of resources on the basis of risk, ensures that we build up the capabilities of all the states, knowing that terrorist plots can develop in any part of the country.

This legislation wisely authorizes emergency management performance grants and provides additional resources for this program—to assist States in preparing for all-hazards to ensure that every State has the basic capability to prepare for and respond to both man-made and natural disasters.

Following the communications disasters of both 9/11 and Hurricane Katrina, this legislation also creates a dedicated emergency communications interoperability grant program to improve emergency communications systems at the local, State, and Federal levels. This is clearly one of the highest priorities for our Nation's first responders—because it is necessary to save their lives so that they can save the lives of others—and by dedicating a program to interoperable communications we will enhance our Nation's ability to achieve it.

The 9/11 Commission rightly noted that while we must protect our homeland, we must do so in a way that also protects the freedom and civil liberties it was founded upon.

This legislation does so by strengthening the Privacy and Civil Liberties Oversight Board by establishing it as an independent agency within the executive branch, ensuring partisan balance among members, requiring improved public disclosure, allowing the board to request that the Attorney General issue subpoenas to private parties and increasing its budget over the next 4 years by up to $10 million in 2011.

It also requires that agencies with intelligence and security roles designate their own internal privacy and civil liberties officers, and expands the authority of the DHS privacy officer.

Also, since 85 percent of our Nation's critical infrastructure is under the control of the private sector, this legislation establishes a voluntary certification program so that those private sector entities that want to can receive certification that they have met consensus preparedness standards. This provision responds to another concern of the 9/11 Commission—which was also

reinforced during Katrina—that those companies that take preparedness seriously—that have plans and exercise them that provide life saving protection for their employees—will recover more quickly from a catastrophe and help get their local economy moving again.

This legislation responds directly to another 9/11 Commission recommendation—to improve Congress's ability to oversee the intelligence community—by requiring disclosure of the total amount spent by the intelligence community.

After the first 2 fiscal years the President may waive this requirement, but only after explaining to Congress why the disclosure would harm national security.

Like the 9/11 Commission, this bill also recognizes that we must do more to promote democracy abroad by requiring the Secretary of State expand strategies for democracy promotion in nondemocratic and democratic countries.

One of the great threats of our time is that nuclear material may be smuggled out of former Soviet states and fall into the hands of terrorists. This bill clears legislative obstacles that had constrained the cooperative threat reduction, CTR, program by repealing or modifying various conditions on CTR actions in former Soviet states and repealing a legislative prohibition on Department of Energy nonproliferation program assistance outside the former Soviet Union.

I want to thank my colleagues from both parties, from both houses, and their staffs who worked so hard and so late into so many nights to bring this to the floor. There is a lot in this legislation to make our country safer, and this result was only possible because of this hard work and dedication.

Mr. President, we began as a nation born in conflict as we fought for our freedom. Now we are a nation borne with confidence as we fight for our ideals against an adversary who promotes hate over hope and fear over a future that recognizes our shared humanity.

I urge my colleagues to adopt this conference report and the President to act swiftly to sign it to show the world that the spirit of this nation founded in freedom heeds the words of Abraham Lincoln that this ''government of the people, by the people, for the people, shall not perish from the Earth.''

Lincoln was right. Let us protect our Nation. Let us thwart our enemies.

Mr. President, again, I thank my colleagues for the very strong vote in favor of accepting the conference report. It means a lot to those of us who worked on it. I obviously also think it was the right thing to do. This is comprehensive, bipartisan legislation that will make America stronger, our cities and towns more secure, and our families safer.

I want to take a moment to thank some of the people without whom this successful result could not have occurred. I want to begin by thanking the 9/11 families—the families of those who were lost on 9/11, the victims of this brutal Islamist terrorist attack. They took their loss and grief and came to Congress to do everything it could to make sure that our Government acted in a way so as to protect every other American family from having to suffer the loss they suffered. They lobbied for the 9/11 Commission. It was created. When the commission reported out and the legislation it recommended was brought before the Congress in 2004, the 9/11 families hung in there. Without their support, it would not have been adopted and then signed by the President.

Now we return for the second phase of the 9/11 Commission report to adopt, as we just have, those previously unimplemented sections, inadequately implemented sections or, frankly, our own ideas about how to better protect the American people from the ongoing threat from al-Qaida and other Islamist extremist organizations and, at the same time, from natural disasters, some catastrophic like Hurricane Katrina. The 9/11 families deserve our gratitude.

I also thank Senator REID because he made this legislation a priority item for this session of Congress. I thank Senator COLLINS, my ranking member who, as always, was thoughtful, constructive, wonderful to work with, and set a tone where all the members of our committee worked very closely together to produce this legislation.

On the House side, in conference, we met with the chairman of the Homeland Security Committee, Congressman BENNIE THOMPSON of Mississippi, and his ranking member Congressman PETER KING of New York—good public servants. We had some differences, but we reasoned together and resolved a lot of them.

I would like to pay tribute to my staff, who have worked long nights and many weekends to produce excellent legislation.

I particularly want to thank my Homeland Security Committee Staff Director, Mike Alexander, for his superb leadership. I also want to thank the committee's Chief Counsel, Kevin Landy, for helping to shepherd the legislation through the process. Thanks also to Eric Anderson, Christian Beckner, Caroline Bolton, Janet Burrell, Scott Campbell, Troy Cribb, Aaron Firoved, Elyse Greenwald, Beth Grossman, Seamus Hughes, Holly Idelson, Kristine Lam, Jim McGee, Sheila Menz, Larry Novey, Deborah Parkinson, Leslie Phillips, Alistair Reader, Patricia Rojas, Mary Beth Schultz, Adam Sedgewick, Todd Stein, Jason Yanussi, and Wes Young—all on my committee staff. And thanks to Purva Rawal and Vance Serchuk on my personal office staff.

I must also thank Senator COLLINS' staff director, Brandon Milhorn, as well as Andy Weis, Rob Strayer, and the Senator's entire staff for working with us to move this very important legislation.

And of course, thank you to our colleagues and thanks to the 9/11 Commission.

There were an enormous number of committees involved in this legislation, in some ways even more than in the first 9/11 legislation. So it took a lot of cooperation, which is the essence of getting anything done and, obviously, bipartisan cooperation to bring us to this point.

Again, I thank Chairman COLLINS, Chairman THOMPSON, Congressman KING, and all our colleagues on the conference committee and their staff on both sides of the aisle from all the relevant committees in both the House and Senate for their willingness to work through some difficult, but critical, issues to make our country safe.

I have a particular debt of gratitude to my own Homeland Security staff: staff director Michael Alexander; chief counsel Kevin Landy; and Senator COLLINS' staff, beginning with staff director Brandon Milhorn.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. COLLINS. Mr. President, after the terrible attacks of September 11, 2001, Congress moved to strengthen America. Congress created the Department of Homeland Security, and Senator LIEBERMAN and I led a bipartisan effort to implement the recommendations of the 9/11 Commission—reforming our intelligence community, creating a Director of National Intelligence, and establishing the National Counterterrorism Center. We have also passed legislation to strengthen security at America's seaports and chemical facilities and to reform FEMA.

These were great advances in protecting our country. But as the recently released National Intelligence Estimate noted, the United States faces a ''persistent and evolving terrorist threat.'' Foremost among those threats is al-Qaida, which continues to plot attacks against us. We also face a growing threat of homegrown terrorism—violent radicals inspired by al-Qaida's perversion of the Islamic faith, but with no operational connection to foreign terrorist networks.

These real and evolving threats mean that we cannot stop improving our existing security arrangements, or ignore needs and opportunities to adopt new measures. Congress has, in fact, already enacted most of the 9/11 Commission recommendations, but our security must continually improve to meet the advances of our enemies.

The conference report that we consider today builds on our prior work, offering important enhancements to our homeland security.

Notably, the conference report will protect concerned citizens from civil liability when they make good-faith reports of suspicious activity that could threaten our transportation system. This provision, based on legislation

that I coauthored with Senators LIEBERMAN and KYL, also wisely protects security officials who take reasonable steps to respond to reports of suspicious activity.

Vigilant citizens should not have to worry about being dragged into court, hiring defense attorneys, and incurring big legal bills, because they did their civic duty by reporting a possible threat. The bill's protective language reinforces the important message that New York transit passengers see every day: ''If you see something, say something.'' And with TSA recently reporting possible ''dry run'' efforts to pass simulated bomb components through airport security, it is more urgent than ever that we remove any deterrents to citizens making their concerns known to authorities.

Another important aspect of the bill is its creation of a sensible formula for homeland security grant programs. We know two critical things about the prevention of, and response to, terrorist attacks: one, the attacks can be planned and executed anywhere and two, State and local agencies are likely to be the first and most urgently needed responders.

The compromise reached on minimum levels of grant funding will help ensure a strong baseline of capabilities across the Nation, helping to prevent the next terrorist attack before it occurs. Terror plots can emerge from any location. Planning, training, and logistics for these attacks often occur far from the location of the terrorists' final target and, in some cases, are preceded by other local criminal activities. And, as the most recent National Intelligence Estimate on this threat assessed:

> The ability to detect broader and more diverse terrorist plotting in this environment will challenge current US defensive efforts and the tools we use to detect and disrupt plots. It will also require greater understanding of how suspect activities at the local level relate to strategic threat information and how best to identify indicators of terrorist activity in the midst of legitimate interactions.

Much of the work to prevent homegrown terror plots—like the thwarted attempt to attack Fort Dix, NJ will occur at the State and local level. This legislation ensures adequate funding for prevention efforts in all our States.

Effective response, of course, requires that emergency workers and officials be able to talk with one another. The Senate Homeland Security Committee's investigation into the Hurricane Katrina catastrophe revealed many instances of tragic failures to deliver timely assistance to victims simply because communications systems were damaged or not interoperable. State and local governments recognize the problem. That is why DHS receives more requests for funding to upgrade and purchase emergency communications equipment and systems under the State Homeland Security Grant Program and Urban Area Security Initiative than for any other purpose.

We should, therefore, take special notice of this bill's provision for a dedicated grant program at the Department of Homeland Security to enhance emergency communications interoperability. With an authorization of $2 billion over 5 years, this critical program will fund development of a robust, national emergency communications network to assist emergency personnel whether they are responding to a terrorist attack, a tornado, a flood, an earthquake, or an ice storm.

The conference report also contains important provisions that will strengthen the intelligence functions at the Department of Homeland Security and will improve the sharing of information related to homeland security threats among Federal, State, local, and tribal officials.

Senator LIEBERMAN and I helped establish the Information Sharing Environment in the Intelligence Reform Act of 2004. This program is an essential element in promoting homeland security information sharing across the Federal Government and with our State and local partners. The conference report makes important improvements to the Information Sharing Environment—extending the tenure of the program manager, enhancing his authority to further develop and coordinate information-sharing efforts governmentwide, and providing additional guidance concerning the operation of the ISE.

The conference report will improve the operations of the intelligence components of the Department of Homeland Security. Through the creation of an Under Secretary for Intelligence and Analysis charged with strategic oversight of the intelligence components of the Department, the bill will improve the coordination of the Department's intelligence activities.

Whether homeland security information or national intelligence is collected by Customs and Border Protection, Immigration and Customs Enforcement, the Transportation Security Administration, or the Coast Guard, this information must be efficiently and effectively identified, processed, analyzed, and disseminated. The conference report charges the Under Secretary of Intelligence and Analysis with responsibilities for improving the sharing of information, training Department employees to recognize the intelligence value of the information they receive every day, and providing important budget guidance to the intelligence components of the Department.

The legislation will also improve the Department's ability to provide useful information to State and local officials and provide feedback on the value of the information they share with the Department.

It is important to recognize the tremendous effort and good work that has already gone into establishing fusion centers across the country. State governments, in particular, are devoting considerable resources to establishing fusion centers. I believe this demonstrates the value government entities and the private sector place on establishing mechanisms to integrate information and intelligence to protect against all kinds of threats.

The legislation establishes a DHS State, Local, and Regional Fusion Center Initiative whereby DHS will make available federal intelligence officers and analysts to assist the work of fusion centers. It also directs the Secretary of DHS to establish guidelines for fusion centers that seek Federal funding.

These guidelines are not meant to step on State toes, but to ensure that a fusion center has a clear mission statement and goals, incorporates performance measures, adheres to a privacy and civil liberties policy, ensures that all personnel receive training on privacy and civil liberties, has in place appropriate security measures, and provides usable intelligence products to its stakeholders.

Most fusion centers are established and operated by States. However, if federal funding is going to support these centers, we should ensure that they are operated in a responsible manner and in a way that ensures efficient information exchange with the Federal Government and with other fusion centers.

The bill also encourages deeper cooperation with State and local officials, by authorizing exchange programs that will send Federal intelligence analysts to state and local fusion centers, and by bringing the expertise of state and local officials to DHS and the National Counterterrorism Center.

Transportation security is another area that will be strengthened under the terms of this bill. Last year's SAFE Port Act made significant improvements to maritime security. This conference report bolsters the security of other transportation modes, including aviation, railroads, and mass transit. For example, the bill requires electronic screening of information on 100 percent of air cargo loaded on passenger planes through a known-shipper program. It also authorizes more than $1 billion annual funding for rail and mass transit grants.

The bill also enhances security in the Visa Waiver Program. It restricts expansion of the program until DHS can effectively track entries and exits from our country. And it encourages foreign governments' cooperation with U.S. counterterrorism efforts and information-sharing initiatives, including timely reporting of lost and stolen passports.

I finally note two other important sections of the conference report.

First, the legislation recognizes that security enhancements should not come at the expense of our rights to privacy or our civil liberties. The legislation enhances the authority of the Privacy and Civil Liberties Oversight

Board and mandates important privacy and civil liberties training for officials working at fusion centers.

Second, the conference report will establish an international science and technology R&D program with our allies in the global war on terror, providing money for joint homeland security ventures and facilitating technology transfers.

All of the provisions I have mentioned are worthy additions within the letter or spirit of the 9/11 Commission's recommendations. I continue, however, to have considerable concerns about other portions of the conference report.

Above all, I am disappointed that the House amendment mandating scanning of 100 percent of maritime containers was adopted by the conference committee, overturning the risk-based, layered security system enacted just last year as part of the SAFE Port Act. Based on current technology, this proposal is not practical because of the huge volume—11 million containers per year—coming into our seaports. It will divert resources from the focus on high-risk cargo and will likely cause considerable backlogs at our ports, disrupting trade and posing problems for businesses relying on just-in-time inventories.

My reservations on that point prevented me from signing the conference report.

While the proposed report makes important improvements to our national preparedness, I fear that its language on private-sector preparedness could short-circuit the progress that DHS and the private sector have already made in the recent release of all 17 sector-specific plans under the National Infrastructure Protection Program. I also believe that, at this time, Congress has insufficient data to warrant mandating a new private-sector preparedness certification program.

Now that the conference report has reached the floor of the Senate, however, I must weigh my concerns with this legislation against the benefits that it undoubtedly offers. Because I believe the net benefits to our homeland security are substantial, I intend to support final passage of the conference report.

I close by offering my congratulations and appreciation to Senator LIEBERMAN for his efforts to advance this legislation.

I also thank my staff who worked so hard on this legislation: Brandon Milhorn, Andy Weis, Rob Strayer, Amy Hall, Jane Alonso, Asha Mathew, Kate Alford, Melvin Albritton, John Grant, Amanda Wood, Mark LeDuc, Steve Midas, Leah Nash, Patrick Hughes, Jen Tarr, Clark Irwin, Emily Meeks, Douglas Campbell, and Neil Cutter.

Mr. President, I congratulate Senator LIEBERMAN on his outstanding leadership on this bill. This was truly a bipartisan effort in a Congress that has seen precious few bipartisan bills taken to completion. I join him in thanking our staffs on both sides of the aisle. They worked extremely hard. This was a very difficult bill because it involved many different issues, complex issues, and also jurisdictions that overlapped various committees, and that always is difficult in the Senate to resolve.

I do want to touch again on three points. First, this bill builds upon legislation that Senator LIEBERMAN and I authored in 2004, the Intelligence Reform and Terrorist Prevention Act. This bill implemented the vast majority of the recommendations of the 9/11 Commission. It created, for example, the Director of National Intelligence. It established the National Counterterrorism Center. It set forth standards for information sharing. That legislation has made a real difference. In fact, last summer when the plot which was hatched in Great Britain against our airliners was thwarted, Secretary Chertoff told me he believed the reforms we put into place through the Intelligence Reform Act of 2004 helped connect the dots, and information was shared with our allies and helped lead to the detection and the thwarting of that plot. So that made a difference.

Nevertheless, there were some areas where we hadn't finished the job, and this bill will help take us further down the road.

I want to highlight a second point, and this is the provision that is in this bill that I think is absolutely critical and will help to increase the safety of our country.

A recently released National Intelligence Estimate noted that the United States continues to face a persistent and evolving terrorist threat, and foremost among these threats is, of course, al-Qaida which continues to plot attacks against us.

We also face a growing threat of homegrown terrorism, violent radicals inspired by al-Qaida but not necessarily linked directly to al-Qaida. These real and evolving threats mean we cannot stop improving our existing security arrangements or ignore needs and opportunities to adopt new measures.

Most notably, this conference report will protect concerned citizens from civil liability when they in good faith report suspicious activity to the authorities. This provision, which is based on legislation that I coauthored with Senators LIEBERMAN and KYL, also wisely protects security officials who take reasonable steps to respond to reports of suspicious activity.

Vigilant citizens should not have to worry that if in good faith they report suspicious activity that may indicate a terrorist threat, the result is going to be they are dragged into court, have to hire defense attorneys, incur big legal bills, just because they did what we would want them to do. The New York subway has signs saying: ''See something, say something.'' And with TSA recently reporting possible dry run efforts to pass simulated bomb components through airport security, it is more urgent than ever that we remove any deterrence to citizens making their concerns known to authorities. I think these are very important provisions in this bill.

Finally, let me comment on one provision in this bill that is of great disappointment to me. I am very disappointed that the final version of this bill mandates scanning of 100 percent of maritime containers. That overturns the risk-based, layered security system enacted just last year as part of the SAFE Port Act. Based on current technology, this proposal is simply not practical because of the huge volume, some 11 million containers per year, coming into our seaports. It will divert resources from the focus on high-risk cargo, and it will likely cause considerable backlogs at our ports, disrupting trade, and posing problems for businesses that rely on just-in-time inventories.

My reservations about these provisions prevented me from signing the conference report. But on balance, this is a very good bill. It contains a lot of provisions that I think will improve our homeland security and, in the end, I am pleased to vote for it, and I am delighted with the strong vote for its passage tonight.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. COBURN. Mr. President, first of all, I thank Senator LIEBERMAN and Senator COLLINS for their hard work on this bill. I think we shouldn't be so quick to pat ourselves on the back as far as the 9/11 Commission. The No. 1 thing the 9/11 Commission said is, the money that is spent on protecting this country ought to be based on risk. Fifty percent of the money in this bill is not based on risk. It is based on political calculations, on each one of us getting so much money for our State. That is absolutely wrong.

There are a lot of good provisions in this bill, I don't disagree with that point. But when we take $14 billion over the next 5 years for grants and say $7 billion of it isn't going to go based on the highest risk in this country, it is going to solve the political problems that Members of both the House and Senate have in terms of bringing home the bacon rather than putting that money where it should be put. What if something happens between now and the next 4 years and we could have spent the money in the high-risk areas, but we chose not to because we ignored it and we spent the money elsewhere taking care of our own political needs rather than the needs of our country?

The second point that ought to be made, and Senator COLLINS made this point, is, it is absolutely impossible for us, over the next 3 years, to screen 100 percent of the cargo. Yet that is what we have mandated. In fact, we are going to take a very effective high-risk program right now, and we are going to stop it and we are going to go to 100 percent screening. In the meantime, we are going to screen 50 percent of it, and we are not going to look at the high-

risk cargo. What we are doing with this bill on cargo is making our country less safe. It doesn't fit with any common sense, but yet that is what we have done because a majority of us want to answer the emotional call for 100 percent screening when, in fact, the scientists and people trained to protect us tell us that is not the way to go. We reversed, and we walked away from what we were told by the experts to do.

What do we know about grants? What we know is that of the $10 billion we have already given in grants, 30 percent of it was wasted, and we don't know about the other 70 percent because there are only eight people in the whole Department of Homeland Security who look at the $10 billion we have spent. And we are going to spend $14 billion.

We did get in some post-grant review, but there is no rigorous assessment and transparency of how the money is going to be spent. So it is going to go out there, and we are never going to know if it did the right thing.

On our track record for the $10 billion we have already spent, 30 percent of it we know failed, and 30 percent we know didn't go for legitimate homeland security items. And we don't have and didn't put the resources in this bill, if we are going to spend $14 billion over the next 5 years on grants, to make sure that money goes to do what it is supposed to do. So we are creating problems and taking money and not spending it in the way that is most appropriate, and that is what the Homeland Security said.

The other point the 9/11 Commission said is we ought to reorganize how we oversight intelligence. We didn't do any of that recommendation. We didn't do any of it. They also commented that we have to have the oversight and priorities, that you don't fight turf battles but what you do is fight the terrorists. This bill is loaded with turf battles where money is spent, ordered, and managed by one department, but the checks are cut somewhere else; not because that is the way to do it, but because we are protecting some politicians' turf in terms of controlling the money. I think that does not reflect well.

There is another interesting item we have created. We created a weapons of mass destruction czar and commission in this bill. That may be a good idea. I am not sure I disagree with that. But we also said to that czar—this is going to be a White House position—anything you tell the President, you cannot tell him in confidence. We gutted executive privilege to have an adviser to the President on weapons of mass destruction to have the confidence that what he says to the President in private, in confidence for the best part of this country, will become available to all of us.

First of all, no President is ever going to fill this position because they are not about to have an adviser behind them advising them who cannot give a clear, concrete recommendation without it being second-guessed by somebody on the outside knowing what they are saying. It goes against all common sense.

Finally, what we have done is we have taken our black box intelligence numbers, and we are going to tell the world what they are, which is crazy. We are going to tell the world how much money we spend on covert activities, and we are going to share that with them. We shouldn't be sharing that information. That information should not be out there, and yet we have decided to do it to our own disadvantage.

I know there has been great work put in on this bill both by Chairman LIEBERMAN and Ranking Member COLLINS, and I appreciate it.

One final point that I will mention. We had in our bill some oversight in the BBG, the Broadcasting Board of Governors. Here is what we know about Farsi Voice of America TV and Arabic TV. What we know is most of the time they are not presenting America's viewpoint. They are presenting our enemy's viewpoint, and we know this because my office has been translating and having translated their broadcasts. We put into the bill to have those translations become public as a part of BBG, and that got rejected.

So we are going to continue to have a foreign policy where we are paying money to have radio programs go into Iran that are counter to what our own policies are, and yet we are not going to have accountability in this bill, to hold BBG accountable. It is not there. It has been taken away.

Transparency is a great thing for this country, and when we spend money to create an American position in a foreign land, to not have transcripts and for them to not want us to have transcripts of what is going on, the first thing one has to ask is, Why not? Why shouldn't American taxpayers know where they are spending their money and know what the message is that they are sending? Unless the message is something different than what it should be. And that is the case with Radio Farsi and Radio Farda.

There are several other things I will not spend any more time on but that I think the American people ought to ask themselves. Last year, $434 billion on credit cards was charged to our grandkids. We have $14 billion worth of grants in this bill over the next 5 years; $7 billion that we don't know if it is going to be spent well. We certainly don't know if it is truly going to be spent on homeland security and at a priority of what is best and what is based on the highest risk.

So I am disappointed that we didn't get a lot of things in the bill that we should, and I know this is an effort at compromise, but it seems to me that certain things that are common sense, such as spending money to make sure our message is right, and knowing that it is right; making sure we are spending the money where the highest risk is, rather than where the greatest political need is, ought to have been principles that should have gotten into this bill.

I voted against this bill not because I don't think we should be protecting the homeland, not because I don't think we should be following these recommendations but because we have ignored the No. 1 recommendation of the 9/11 Commission, which is the money ought to go where the risk is. We ignored it. We ignored it. We played the political game that makes us all happy, but we didn't fix the problem. If we have another event where we should have put the money, then how will we answer that? How will we answer that?

They didn't say some of the money should go to the highest risk. They said all the money should go to the highest risk. What we have are three grant programs, one of which is very good at risk and two of which are not. So we ought to ask ourselves: Have we done the best we could have done?

The effort by Senator LIEBERMAN and Senator COLLINS was extraordinary. We had great debate in our committee on a lot of these issues. By the way, they supported me in these things. We didn't get them out of conference. The question we are going to be judged on is how effective we did this. My hope was and my feeling is we could have done better.

Mr. LIEBERMAN. Mr. President, I thank my friend from Oklahoma. The truth is the Senate is a better place because he is here, he is persistent, he is demanding, he spends a lot of time actually reading bills, and he brings his opinions to the table and to the floor. Although we may be in disagreement on some of the particulars, he cares enough about all this to not only work through the details but to stay here after midnight, after a busy week, to make these points. So I thank him for all that.

I thank him for the contributions he made along the way to the bill as a member of our committee. I am going to put some statements in the record to respond to some of the points in more detail that Senator COBURN made, but I do wish to say that Senator COLLINS and I worked very hard, both in the committee and then particularly in the conference committee, to take the State homeland security grants and make sure that they were allocated, a much greater percentage of them was allocated based on risk.

We heard the concerns. So the conference report allocates the overwhelming share of State funding based on the risk the State faces from terrorism. All States initially will be guaranteed a minimum of 0.375 percent. The number was up to .75 percent earlier on. This will be reduced to .35 percent over the course of the 5 years.

The reason for having any minimum is twofold: One is that, unfortunately, the enemy we face—Islamist extremist terrorism—has a higher probability of

attacking, at least by our experience in this country, very visible targets, such as the World Trade Center and the Pentagon. But the truth is the whole country is, unfortunately, vulnerable to their attacks. As we have seen in other countries, they attack trains, they are prepared to blow up themselves with bombs in the middle of shopping areas, in crowds, et cetera. So there is some reason to have a minimum amount for every State in the country.

Secondly, homeland security generally—and we particularly get into this in one of the other grant programs that I will talk about in a minute—deals not only with protecting the States from terrorism but from all hazards, including natural disasters. The Department of Homeland Security is an all-hazard agency now, including within it, most particularly, FEMA, the Coast Guard, and other agencies that are involved when you think more in terms of protection from natural disasters. So I think we have made some progress there, and that is the reason why we have done what we have done.

There is a separate program, which perhaps is the one Senator COBURN was referring to, the urban area security initiative. That is allocated entirely based on risk. We also create, for the first time, two programs that are intended to be all-hazard programs and to support law enforcement and emergency response around the country. The first is an Emergency Management Grant Program and the second, which we talked about earlier, is the interoperability of communications.

So I think, on balance, when it comes to terrorism, we have allocated much more now than before based on risk. Yet we also, I think quite appropriately, provide something for areas all around the country to deal with all the other hazards, natural disasters, that can and have struck every section of the country.

There is also a substantial increase in funding that is authorized by this bill. Of course, ultimately, it has to be appropriated, but this is a new challenge, this terrible challenge of terrorism, against an unconventional brutal enemy, which, as someone other than myself has said, hates us more than they love their own lives. They hate us more than they love their own lives, so that they are prepared to kill themselves to express their hatred of us. Of course, these are not conventional armies fighting our conventional Army on a field of battle or at sea or in the air.

These are enemies who strike from the shadows and intend to strike at unprotected civilians—at innocents. So this requires a substantial commitment by our country to raise our defenses. I think it is part of the reason, along with the reform of our intelligence apparatus, that we have not, thank God, suffered another terrorist attack since 9/11. Part of it, of course, is good fortune, or, if you are so inclined, by the grace of God. But I do believe what we have invested is an important part of it.

I myself have said more than once that I thought after 9/11, entering this new era of both homeland security needs and the need to involve our military in seeking out for the purpose of capturing or killing these terrorists, then being engaged in wars in Afghanistan and Iraq, that we would have done better if we had considered a special tax and one in which we asked everybody to pay to meet the additional expenses brought on by this war that Islamist terrorists started against us, so we would not be facing the increasing long-term debt that Senator COBURN is quite right that our children are going to have to pay.

What I am saying is the money we have authorized to be spent here is important. We have the best defense—the best military in the world. Part of the reason we do is because we are spending money on it, an enormous amount of money. We will continue to have the best homeland security and homeland defense if we do the same.

One of the great contributions Senator COBURN makes is to be very persistent at making sure we don't waste taxpayer money, and he has made a contribution to this bill. There are many provisions in the bill that improve the oversight of the spending of homeland security funds, and in my statement I make clear our gratitude to Senator COBURN and his staff for all that they did to strengthen the auditing provisions of this bill.

I will say, finally, on the question of congressional oversight of intelligence and the declassification of the top line of the national intelligence budget, this is a direct recommendation of the 9/11 Commission. It doesn't make it sacrosanct, but it does give it some force. They argued that the specifics of the intelligence appropriations should remain classified, as they do in this proposal, but that the top line ought to be publicized to combat the secrecy and complexity the Commission had commented on earlier. That is what we intend to do.

But we are mindful of the concerns that Senator COBURN and others have had. We have spent some time discussing this with members of the administration, and this is compromise language. The bill contains this provision, which is that the President would be required to disclose the total appropriated amount for the national intelligence budget for this year and the coming year, after which the President may waive this requirement by sending to Congress a notification explaining the reasons for this waiver.

Listen, I think most people, including most people in the media, know what the top line budget for intelligence is. But we are now bringing it out and giving the President the opportunity to stop the disclosure if he determines it is in the national security interest in future years, for various reasons, to do that.

The conference report addresses the oftentimes contentious issue of homeland security grants. It may not make everyone happy, but it represents a good and fair compromise and will do much to improve the process by which these grants are distributed and used.

The conference report allocates a greater share—indeed the overwhelming share—of state funding based on the risk a state faces from terrorism, yet still ensures that each state will get money to meet its basic needs in preparing for acts of terrorism. All States will initially be guaranteed a minimum of 0.375 percent of funds; this will be reduced to 0.35 percent over the course of 5 years.

Urban Area Security Initiative, UASI, grants will be allocated entirely based on risk of terrorism. There will be a two-step process for selecting UASI cities. In the first stage, DHS will do a risk assessment of the 100 largest metropolitan areas in the country, and each of these areas will be permitted to submit information to the Department concerning the risks faced by that area—thus opening up a dialogue with cities and bringing light to a process that has largely taken place behind the scenes. After doing this initial assessment, the FEMA Administrator will then have the discretion—as he does now—to select those high-risk urban areas eligible to apply for UASI grants.

The conference report also reverses the recent disturbing downward trend in funding for these essential grant programs. It would authorize $1.8 billion for the State Homeland Security Grant Program, SHSGP, and UASI program in fiscal year 2008—our principal antiterrorism grants to first responders—and increase this over the next 5 years to $2.25 billion. Also, as a complement to this, the conference report would ensure that states have increased funds available for key all-hazards grant programs, including the emergency management performance grants and dedicated grants for communications interoperability. These programs help ensure that all States have basic preparedness capabilities for all disasters, whether natural or manmade.

The conference report would also for the first time specifically authorize State and urban area grants, and provide legislative guidelines for the programs, including permissible uses.

Finally, the conference report would provide a whole series of oversight measures to ensure that funds were being spent effectively and appropriately to achieve preparedness, and not wasted.

The 9/11 Commission report said:

> To combat the secrecy and complexity we have described, the overall amounts of money being appropriated for national intelligence and to its component agencies should no longer be kept secret. Congress should pass a separate appropriations act for intelligence, defending the broad allocation of how these tens of billions of dollars have been assigned among the varieties of intelligence work.

The Commission went on to say that:

The specifics of the intelligence appropriation would remain classified, as they are today. Opponents of declassification argue that America's enemies could learn about intelligence capabilities by tracking the top-line appropriations figure. Yet the top-line figure by itself provides little insight into U.S. intelligence sources and methods.

A provision was passed to declassify the top-line of the National Intelligence Budget was passed by the Senate as part of the Intelligence Reform Act in 2004 but removed in conference.

In December 2005, the 9/11 Public Discourse Project, an independent organization led by the 9/11 Commission members, issued a grade of ''F'' on the implementation of this recommendation, writing that ''Congress cannot do robust intelligence oversight when funding for intelligence programs is buried within the defense budget. Declassifying the overall intelligence budget would allow for a separate annual intelligence appropriations bill, so that the Congress can judge better how intelligence funds are being spent.''

The final bill contains a compromise that we have worked closely with the White House to craft, one which finally addresses this important 9/11 Commission recommendation to disclose the top line of the National Intelligence Budget.

The compromise agreement will require the President to disclose the total appropriated for the National Intelligence Budget for 2 years—2007 and 2008—after which the President may waive this requirement by sending to Congress a notification explaining the reasons for this waiver.

The inclusion of this provision means that this important recommendation of the 9/11 Commission will now finally be implemented.

In this bill, we authorize significant additional funds for homeland security grants for State and local governments: for State Homeland Security Grants, for Urban Area Security Initiative, UASI, grants, for Emergency Management Performance Grants, EMPG, for interoperable emergency communications, for rail and transit security, in order to ensure that our first responders across the Nation are prepared for disasters, natural and man-made.

In authorizing these additional funds, we are cognizant that we need to spend these funds wisely, in a way that will make our first responders most prepared and our nation most secure. For this reason, the conference report includes extensive oversight and accountability provisions designed to ensure that all grant funds are used as effectively as possible and for their intended purposes.

At least every 2 years, DHS is required to conduct a programmatic and financial review of each State and urban area receiving grants administered by the Department to examine whether grant funds are being used properly.

The DHS inspector general is tasked with following up these agency reviews by conducting full, in-depth audits of a sample of States and urban areas each year, and then report to Congress on his findings, and to post the results of the audits on the Internet.

For the Public Safety Interoperable Communications grants that go through the Commerce Department and are administered jointly by the Commerce Department and DHS, there are separate provisions requiring that the Commerce Department inspector general conduct audits of those grants.

The conference report also builds on provisions in the Post—Katrina Emergency Management Reform Act that we passed last fall by requiring that DHS develop and use performance metrics to assess the progress of States and urban areas in becoming prepared, and that States and urban areas test their performance against these metrics through exercises.

All states are required to report quarterly on their expenditures and annually on their level of preparedness.

Finally, The FEMA Administrator is also required to provide to Congress annually an evaluation of the efficacy of the Department's homeland security grants have contributed to State and local governments in meeting their target levels of preparedness and have led to the overall reduction of risk.

From the beginning, we have been aware of Senator COBURN'S strongly held view that there be adequate oversight and auditing of homeland security grants, and his support for the provisions to this effect in the Senate bill—provisions that were not part of the House bill. Senator COLLINS' and I, and our staffs, have fought for the Senate auditing provisions in conference, in the face of a number of objections and concerns raised by House staff from various committees. And we have been successful in retaining in the conference report what we believe are very strong provisions to ensure accountability for homeland security grant funds.

Working with Senator COBURN, we were able to retain what I believe are very significant provisions to ensure the appropriate and effective use of homeland security dollars.

Mr. LEVIN. Mr. President, I am pleased that the Senate today will finally pass the Improving America's Security Act of 2007. Over 3 years ago, the 9/11 Commission gave us its recommendations, and we are finally taking a big step toward implementing them. Let me mention a few highlights.

This comprehensive legislation goes a long way toward helping our first responders. First, it establishes a $400 million annual grant program dedicated to funding interoperable communications equipment. We know that lives were lost on September 11, 2001, because first responders could not communicate. The same situation continues to play out across our country every day. For years, I have been urging the Department of Homeland Security to establish a dedicated funding source for interoperable communications equipment. I am pleased that this legislation creates a grant program dedicated to improving operability and interoperability at local, regional, State, and Federal levels. Second, to improve collaboration and help identify solutions to communications problems on our international borders, the legislation also includes language that I authored that establishes International Border Community Interoperable Communications Demonstration Projects on the northern and southern borders. These demonstration projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders and will improve the ability of U.S. personnel to work well, for example, with their Canadian counterparts.

Another key accomplishment is that the legislation provides a more equitable distribution of homeland security grant funding. For the past 5 years, the largest homeland security grant programs distributed funds using a formula that arbitrarily set aside a large portion of the funds to be divided equally among the States, regardless of size, need, or risk. This legislation allocates more of the funding based on risk. Specifically, the legislation would reduce the funds guaranteed to each State from 0.75 percent to 0.375 percent of grant funds in fiscal year 2008; the minimum would then decline over a period of 5 years to 0.35 percent in fiscal year 2012 and thereafter. All other funds would be distributed to States based on the risk of acts of terrorism and the anticipated effectiveness of the proposed use of the grants.

Also included in the bill is language I authored that will require the Department of Homeland Security, before publishing the final rule, to conduct a cost-benefit analysis of the Western Hemisphere Travel Initiative, WHTI, including the cost to the State Department and resources required to meet the increased volume of passports requests. The WHTI seeks to require individuals from the United States, Canada, and Mexico to present a passport or other document proving citizenship before entering the United States. While we need to make our borders as secure as they can be, we also need to make sure that we are achieving that goal in a way that will not cause economic harm to our States. A cost-benefit analysis will help ensure we identify and weigh the expenses and benefits of the WHTI.

The legislation also takes important steps to shore up rail, transit, bus, air and cargo security in the United States. It establishes a grant program for freight and passenger rail security upgrades and requires railroads shipping high-hazard materials to create threat mitigation plans. It establishes

a grant fund for system-wide Amtrak security improvements and much needed infrastructure upgrades. It authorizes studies to find ways to improve passenger and baggage security screening on passenger rail service between the U.S. and Canada which should identify what is needed to prescreen rail passengers on the northern border. I hope these studies will also advance a long standing effort I have undertaken to implement a preclearance system at other land crossings so that, for example, we can inspect vehicles for hazardous materials before they cross bridges and tunnels between U.S. and Canada.

In addition to improving rail security, the bill establishes grant programs for improving intercity bus and bus terminal security and public transportation system security. It takes steps to improve the safety of transporting radioactive and hazardous materials on our railroads and highways. I am also pleased that this legislation requires the screening of all cargo carried on passenger airplanes within 3 years. It also requires all containers to be scanned for radiation at foreign ports before entering U.S. ports. The legislation also establishes an appeal process at the Department of Homeland Security for passengers that believe they have been wrongly included in ''no-fly'' or ''selectee'' watch lists.

While the conference report takes important steps toward implementing many 9/11 Commission recommendations, I am disappointed that it fails to address one critical recommendation and excludes several provisions that were in the Senate-passed bill.

The 9/11 Commission report stated: ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important.'' I am troubled that the conference report does not contain critical provisions—included in the Senate-passed bill—that were intended to strengthen congressional oversight and promote independent and objective intelligence analysis.

There is a long, painful history of congressional efforts to obtain information from the intelligence community that have been slow-walked or simply not answered. The bill that passed the Senate required the intelligence community to provide Congress timely access to existing intelligence information unless the President asserted a constitutional privilege. Unfortunately, the conference report excludes that provision.

The Senate-passed bill also provided that no executive branch official could require the intelligence community to get permission to testify or to submit testimony, legislative recommendations, or comments to the Congress. That provision was also stripped from the conference report. We should insist that the intelligence community be able to provide Congress its assessment of intelligence matters uninfluenced by the policy goals of whatever administration is in power.

It is important for whistleblowers to know that they can come directly to Congress if they have evidence that someone has made a false statement to Congress. And Congress has a right to that information—even if it is classified. The Senate-passed bill made it clear that intelligence community employees and contractors can report classified information directly to appropriate Members of Congress and cleared staff if the employee reasonably believed that the information provides direct and specific evidence of a false or inaccurate statement to Congress. That provision was also removed in conference.

While I am disappointed that the conference report does not contain these provisions, on balance it is a good bill and I am pleased that we are passing it today—both for the families and friends of those we lost on September 11, 2001, and for the security of our Nation.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise in support of the legislation reported by the conference, the Implementing Recommendations of the 9/11 Commission Act of 2007. I was proud to serve on this very important conference, and while I may not agree with every part of the act, I believe that on balance it is a very important piece of legislation that will serve to make our Nation more secure and help protect Americans of all walks of life. Over 5 years after the tragic events of 9/11 and almost 2 years since Hurricanes Katrina and Rita, we continue to hear from Governors, county executives, mayors, first responders, health professionals, and emergency preparedness officials that our country as a whole remains unprepared for another manmade or natural disaster. We have heard the argument, which I support, that Congress needs to do more to support regional and local efforts to protect Americans. Overall, I believe this conference report takes a critical step forward in making America more secure.

I am going to focus on the titles of this legislation dealing with transportation security, with which I was deeply involved throughout this process as chairman of the Banking, Housing and Urban Affairs Committee, which has jurisdiction over public transportation.

Title XIV of this bill creates a new grant program to improve the security of public transportation and its 14 million daily passengers. Safe and secure transit systems are essential to the well-being of our citizens and the health of our economy. The Banking Committee examined the state of transit security in our very first hearing of the 110th Congress, which was my first hearing as chairman. At that hearing, the committee heard from some very compelling witnesses, including the directors of the London and Madrid transit systems. It is not all that common that we invite witnesses who are not U.S. citizens to come and participate in congressional hearings. But given the tragedies in Madrid and London, we thought it would be worthwhile to have those who manage the transit operations in those two cities come and share with us information about their experiences. I think their testimony was very helpful in demonstrating the importance of this issue and galvanizing the attention of the Congress to address this issue in the legislation before us.

We learned in those hearings that transit attacks have unfortunately been a major component of terrorist activities over the last several decades. It is no secret that worldwide, terrorists have favored public transit as a target. In the decade leading up to 2000, 42 percent of terrorist attacks worldwide targeted rail systems or buses, according to a study done by the Brookings Institution. In 2005 they attacked, as I mentioned, London's rail and bus system, killing 52 riders and injuring almost 700 more in what has been called London's bloodiest peacetime attack. In 2004, they attacked Madrid's metro system, killing 192 people and leaving 1,500 people injured.

Transit is frequently targeted because it is tremendously important to any nation's economy. Securing our transit systems and our transportation networks generally is a difficult challenge under any circumstances. We must do all that we can to meet that challenge. Beyond the obvious implications of physically protecting our citizens, safe transit systems can help to maintain public confidence, encouraging transit use, reducing pollution, and preventing our cities from being mired in gridlock.

The first piece of legislation that the Banking Committee marked up after I became chairman addressed with transit security. That legislation, reported out of the committee as S. 763, was included in the Senate version of the 9/11 bill. I am extremely pleased that it is included in the conference report which the Senate is considering. Similar to the bill that was reported by the Banking Committee, the conference report provides $3.5 billion in grants directly to transit agencies for security equipment, evacuation drills, and worker training—on which several witnesses, particularly from Madrid and London, testified would be the most important investment we could make. Indeed, the conference report requires worker training for all transit systems that receive security grants. The importance of worker training can scarcely be overstated. Transit workers are the first line of defense against an attack and the first to respond in the event of an attack. Mr. O'Toole, the director of London's transit system, said it well: ''You have to invest in your staff and rely on them. You have to invest in technology, but don't rely on it.''

The conference report also authorizes funds for the research and development of security technologies and authorizes

funding for the Information Sharing Analysis Center, ISAC, a valuable tool that provides transit agencies timely information on active threats against their systems. At the Banking Committee hearing we heard testimony from the American Public Transportation Association in strong support of the ISAC, and I am very pleased that the conference report authorizes this important center.

The conference report follows the Banking Committee's bill in allocating grants directly to transit systems on the basis of risk. The legislation makes clear that the Department of Homeland Security is responsible for making these critical decisions and allocating the grants among the Nation's 6,000 public transit agencies. The report does leave open the important decision of which agency, the Department of Homeland Security or the Department of Transportation, should actually distribute these grants and audit recipients' compliance with important provisions of transit law, including labor protections. The legislation requires the Secretaries of these 2 Departments to make this decision on the basis of which Department can distribute grants in the most effective and efficient manner. It is my opinion that at this moment, and at least for the next few years, the Department of Transportation is the agency that can best meet these criteria. DOT already has an efficient and effective grant distribution system in place that directly reaches our Nation's transit systems. The Federal Transit Administration is well aware of the various provisions of transit law that the recipients of security grants will be required to comply with and will therefore be able to monitor for compliance effectively. These transit security grants must go out to agencies quickly, as we face an urgent threat. It is my hope that the Secretaries will make a decision based on sound policy to best protect the American public and not with an eye toward jurisdiction or turf.

Over the years we have invested heavily in aviation security. In fact, we have invested about $7.50 per aviation passenger per trip. About 1.8 million people travel using the aviation system daily in this country. Fourteen million people use mass transit systems every workday. We have invested about $380 million in the security of mass transit systems. That is about one penny per passenger per trip.

I am not suggesting, nor do we require, that there be an equilibrium between the security investment in aviation and mass transit systems. I am simply suggesting that the Federal government can and should do more to secure our transit systems. To that end, the conference report provides an authorization of $3.5 billion for transit security. We believe with this additional authorization, and we hope an appropriate appropriation from the responsible committees, that we will be able to provide some additional security for this critically important component of our economy.

Again, I am grateful to the members of the conference committee for their support of this effort. I also want to thank my colleague and ranking member on the Banking Committee, Senator SHELBY, who has been a true champion for transit security for many years. This National Transit Systems Security Act of 2007 would never have reached this stage without Senator SHELBY's work. This was truly a bipartisan product, and I want to thank Senator SHELBY and our colleagues on the Banking Committee, including the former chairmen of the Housing and Transportation Subcommittee, Senators REED and ALLARD, who have also made very valuable contributions to this bill over the many years that we have been working to improve transit security.

I also want to make a few comments about other items that are included in this conference report. First, as chairman of the Banking Committee, I recognize the preparedness requirements that the Federal financial regulators have imposed on institutions under their jurisdiction and which those institutions have observed. I am pleased to have worked with my colleagues Senators LIEBERMAN and COLLINS on title IX to clarify that the private sector preparedness certification is voluntary and should not be construed as a requirement to replace any preparedness, emergency response, or business continuity standards, requirements, or best practices established under any other provision of Federal law, or by any sector-specific agency.

The Committee on Banking, Housing and Urban Affairs also exercises jurisdiction over the preparedness of American industry to supply our Government in times of defense and homeland security emergencies. Key to this effort is ensuring that our Nation's critical infrastructure operates uninterrupted and unhindered by natural or manmade disasters. Title X of this bill will enable the Department of Homeland Security to assess our vulnerabilities and hopefully work with other agencies to build up defenses for our critical infrastructure. In one specific provision, we built off of the Banking Committee's work 4 years ago when we reauthorized the Defense Production Act, DPA. In 2003, we emphasized the importance of the DPA's authorities in protecting our critical infrastructure. Today, under the conference agreement, we will require the Homeland Security Department, in coordination with the Departments of Commerce, Transportation, Defense, and Energy, to explain how it is implementing these 2003 DPA requirements. With the DPA's authorities expiring in September 2008, this report may prove helpful for our Committee's eventual markup of the reauthorization and modernization of the DPA.

Finally, I want to express my disappointment that the conference report includes an immunity provision that was added to the report despite not being contained in either the Senate bill or the House bill that was sent to conference. I note that this provision was not supported by the chairman of the Senate Judiciary Committee, which has jurisdiction over this matter, and I believe it should have been dealt with in a very different manner. While I share the belief that our citizens are the first line of defense against terrorism and that they need to be encouraged to report legitimate suspicious behavior, we need to be very careful whenever we grant blanket immunity and even more careful when we pass legislation granting this immunity retroactively.

To conclude, Mr. President, I am pleased to recommend this conference report to my colleagues, as I believe that it will serve us well in our efforts to make Americans more secure.●

Mr. CARDIN. Mr. President, I am very happy to rise today in support of a conference report that implements the remaining 9/11 Commission recommendations.

Finally, three years after the Commission released its bi-partisan report, we are sending President Bush legislation that implements the last of those recommendations—recommendations that will improve Maryland's as well as our nation's security. This bill increases citizens' safety when they travel by air, road, or rail; improves first responders' communications capabilities; facilitates intelligence sharing at all levels of law enforcement; and protects citizens' privacy and liberty.

This conference report is the first legislation to formally authorize the State Homeland Security Grant Program and Urban Area Security Initiative, UASI, which provide funds to states and high-risk urban areas—like the D.C. Metropolitan area—to prevent, prepare for, respond to and recover from acts of terrorism. This legislation authorizes more money than previous years, but most importantly—and I want to stress this most importantly, this legislation ensures the vast majority of that funding is distributed based on risk.

In the past, too great a percentage of our first responder grants were distributed without regard to risk and vulnerability. As the 9–11 Commission final report stated:

> [f]ederal homeland security assistance should not remain a program for general revenue sharing.

By increasing the percentage of grant money distributed based on risk, this legislation moves us toward the full implementation of the Commission's prescription.

This legislation also requires the Department of Homeland Security, DHS, to consider certain factors when allocating funds based on risk including history of threats, risk associated with critical infrastructure, coastline, and the need to respond to neighboring areas; considerations critical to adequate risk assessment for many of

Maryland's communities. All of us were both outraged and deeply concerned when DHS ranked the Washington D.C. and New York City metropolitan areas in a low-risk category for terrorist attack or catastrophe, a decision that would have cost those regions millions in anti-terror funds and had devastating impacts on their ability to respond to attack had the rankings been allowed to stand. By setting criteria for risk assessment, this bill guards against future gross miscalculations.

The legislation includes several important provisions improving transportation security, but I am particularly glad to see the bill requires DHS to develop its capacity to screen all—100 percent—of maritime cargo in foreign ports before it is loaded on ships bound for the United States within 5 years. Further, the conference substitute requires that DHS be able to screen all cargo carried on passenger airplanes within the next three years. And, the legislation authorizes substantial funds—more than $4 billion over four years—for rail, transit, and bus security grants.

Not only does the legislation provide funding for improving communications systems, it also provides guidance. Maryland's first responders and administrators have explained to me that a truly interoperable communications system and a functioning incident command system require more than equipment. Practically, cooperation between and among local, state, national, and even international governments requires governance structures, protocols, agreements, and training. By providing money for staff, exercises, simulations, training, and any other activities necessary to achieve, maintain, or enhance emergency communications, this legislation addresses critical governance concerns.

But to keep us safe, different government agencies need more than the ability to communicate. They need to actually *be* communicating critical information and intelligence to the officials and officers who need it. The conference substitute encourages the free transfer of intelligence across agencies by authorizing government-wide standards for information sharing, and creating standards for state, local, and regional intelligence fusion centers and ensures they receive federal support and personnel.

The 9–11 attacks and Hurricanes Katrina and Rita demonstrated how inadequate information sharing and inadequate communications systems can compound disasters. Let us hope that with these changes we will never again have to witness firefighters rushing into buildings when they should have been running out or distraught citizens trapped by flood waters while national officials remain unaware of the disaster.

But this legislation does more than protect our physical safety; it contains provisions to safeguard our most cherished liberties. Recent revelations regarding FBI abuse of its PATRIOT Act authority to gather phone, bank, and credit information on thousands of citizens underscore the importance of this legislation's enhanced privacy and civil liberties protections. The bill strengthens the Privacy and Civil Liberties Oversight Board independence and expands its oversight authority. The bill requires agencies with access to citizens' private information to designate at least one senior official to serve as a source of advice and oversight on privacy and civil liberties matters. Finally, under this legislation, federal agencies must report annually on their development and use of data mining technologies so this body can ensure proper usage of any technologies that raise privacy or civil liberties concerns.

This Conference Substitute also encourages this country to look beyond its own borders to promote others' safety and liberty through diplomacy. The legislation requires the Secretary of State expand strategies for democracy promotion in non-democratic and democratic transition countries, and to expand the effectiveness of the State Department's annual human rights reports. It further supports democracy promotion through international institutions, such as the UN Democracy Fund, the Community of Democracies, and the International Center for Democratic Transition, specifically through encouraging the establishment of an office of multilateral democracy promotion. To allow ''maximum effort'' on non-proliferation by the U.S. Government, as the 9–11 Commission called for, the bill establishes a Presidential Coordinator for the Prevention of WMD Proliferation and Terrorism.

We know now how closely our own safety is linked to other nations' internal security. These efforts are critical to creating a more stable Middle East and a safer world.

The 9–11 families, several of whom are my constituents, asked us to pass this legislation, and I am proud that we have fulfilled this obligation to them and to the country.

Mr. President, I yield the floor.

Mr. INOUYE. Mr. President, I am pleased we are considering the conference report to H.R. 1, the Improving America's Security Act of 2007. This legislation is particularly timely given the daily reports that the terrorist threat against our Nation is increasing. We must be proactive in defending the homeland and take particular care to protect the transportation systems which have so often been targeted.

The conference report we are voting on today contains significant provisions to strengthen the security of the Nation's transportation system, including our surface, aviation and maritime networks. We also take action to improve the interoperability of public safety communications.

For surface transportation security, we have worked with the relevant House conferees to reach consensus on provisions that would authorize new security assessments, grant programs, and security measures for the nation's major surface modes, including passenger and freight railroads, trucks, intercity buses, and pipelines. This bill will finally authorize adequate funding and a much needed statutory framework for the Transportation Security Administration's, TSA, surface transportation and rail security efforts.

The conference report also takes critical steps to address the remaining recommendations of the 9/11 Commission on aviation security. The commission's report expressed continuing concern over the state of air cargo security, the screening of passengers and baggage, access controls at airports, and the security of general aviation.

Under this bill, all cargo going on passenger aircraft must be screened within 3 years. Requirements will be put in place to plan and fund improvements for the detection of explosives in checked baggage and at passenger screening checkpoints. The TSA will also be required to ensure a system is in place to coordinate passenger redress matters and develop a strategic plan to test and implement an advanced passenger prescreening system.

With respect to giving our Nation's first responders the necessary resources to communicate effectively during times of crisis, the bill will further bolster our previous efforts to improve interoperable, public safety communications by eliminating statutory ambiguities for eligibility and by directing specific funds in support of State Strategic Technology Reserves that can be tapped in times of crisis by State and local personnel, as proposed in S. 4.

This conference report is an important step toward securing our Nation. The Commerce Committee worked for years to craft many of these provisions, and they reflect the expertise and dedication of our members. I urge my colleagues to support this legislation.

Mr. AKAKA. Mr. President, we have completed action on the conference report on H.R. 1, the Implementing Recommendations of the 9/11 Commission Act of 2007, and I wish to commend Senators JOSEPH LIEBERMAN and SUSAN COLLINS for leading this effort in the Senate. I appreciate their hard work and dedication in forging a compromise on this important piece of legislation. As a conferee I was pleased to take part in reconciling the differences between the Senate and House versions of this bill. The work that has gone into this legislation has been matched by the tremendous commitment of all of those involved to ensure that our country remains secure in the face of natural and man-made threats. Now that the Senate votes on passage of the conference report, I would like to take this opportunity to highlight a few issues that are particularly important to me.

The provision to create a Chief Management Officer, CMO, is a necessary

step in addressing the serious management and integration challenges at the Department of Homeland Security. I am disappointed that the conference report language does not encompass the entire provision passed by the Senate designating the CMO as the principal advisor to the Secretary on management issues. The CMO must have the authority of a Deputy Secretary to address department-wide management functions. My good friend Senator VOINOVICH, with whom I have worked closely on the Oversight of Government Management Subcommittee, as well as Comptroller General Walker, and I have long advocated for a CMO at the Deputy Secretary level.

I am pleased to see that strong privacy provisions included in the House and Senate bills were retained in this report. The Privacy Officer With Enhanced Rights Act, or the POWER Act, a provision championed by Congressman BENNIE THOMPSON and I, will strengthen the investigative authority of the chief privacy officer at the Department of Homeland Security. I am also pleased that the report increases the independence of the Privacy and Civil Liberties Oversight Board, so that there will be no undue influence exerted on them. Both of these provisions go a long way in ensuring that increased security efforts will not be at the cost of Americans' right to privacy.

The conference report also includes an important provision to increase reporting requirements for agencies using data mining. I was pleased to work with my good friends Senators RUSSELL FEINGOLD and JOHN SUNUNU, on this language. Federal agencies use data mining technology to review and analyze millions of public and private records for many reasons, including the detection of criminal and terrorist activities. This raises privacy concerns since an agency may analyze various databases containing personal information without any specific suspicion of wrongdoing.

In 2003, I asked the Government Accountability Office, GAO, to look into this issue, and in 2004, GAO reported that 122 Government data mining activities involved the use of personal information, 46 of which involved sharing personal information between agencies. GAO also found 36 data mining programs which used personal information from the private sector. However, these numbers did not include programs that are used for intelligence purposes. In 2005, GAO issued a follow-up report which found that agencies are not following all privacy and security policies. Given the increasing use of data mining and the threats such activities pose to Americans' privacy rights, I believe Congress must have a full accounting of agencies' data mining programs. That is why I am pleased the conference report retains the Senate language.

Finally, I want to express my disappointment that we were not able to address protections for airline screeners in this legislation. It is essential that transportation security officers are given adequate employee protections, especially the right to collectively bargain like their colleagues at the Department of Homeland Security. I hope we will be able to address this issue in the future.

While more still needs to be done, the conference report before us now provides much needed reform.

Mr. REED. Mr. President, I believe that securing our Nation's public transportation systems is one of the most pressing homeland security issues facing our Nation. Over 180 public transportation systems throughout the world have been primary targets of terrorist attacks. In 2001, as chairman of the Senate Banking, Housing, and Urban Development Subcommittee on Housing, Transportation, and Community Development, I held the first hearing on transit security in the wake of September 11. The hearing took place early in the 107th Congress so I am saddened that it has taken us this long to enact legislation to protect our transit systems. I am pleased, however, that tonight we are prepared to pass the conference report to implement the 9/11 Commission recommendations, including the transit security measures that I authored.

While our Nation acted quickly after 9/11 to secure airports and airplanes against terrorists, major vulnerabilities remain in surface transportation. Transit agencies around the country have identified in excess of $6 billion in transit security needs.

Transit is vital to providing mobility for millions of Americans and offers tremendous economic benefits to our Nation. In the United States, people use public transportation over 33 million times each week day compared to 2 million passengers who fly daily. Paradoxically, it is the very openness of the system that makes it vulnerable to terrorism. When one considers this and the fact that roughly $7 per passenger is invested in aviation security, but less than 1 cent is invested in the security of each transit passenger, the need for an authorized transit security program is clear. We need to be more vigilant to protect public transit from terrorists.

As a member of the Senate Committee on Banking, Housing, and Urban Affairs, I was proud to author with Senators DODD and SHELBY comprehensive legislation to protect our public transportation systems and the Americans that they serve. Title XIV of The Improving America's Security Act of 2007 authorizes $3.5 billion in grants to transit agencies for capital and operational costs. It also establishes an essential security training program for public transportation employees who are at the front lines of preventing terrorist acts. The act allows the Secretaries of Transportation and Homeland Security to determine which federal Department will distribute the grant funding. I urge the Secretaries and the administration to place responsibility for the grant program with the Department of Transportation and make this decision promptly. It is my opinion that this will result in the effective and efficient administration of the program for local transit agencies.

Taking action to protect our public transportation systems is long overdue. I am pleased to support the Improving America's Security Act.

Mr. STEVENS. Mr. President, I thank the Chairman and ranking member of the 9/11 bill conference committee for their efforts to bring the conference report before the Senate. This was no small task and they, along with other conferees and staff, are to be commended.

Despite these efforts, however, the final conference report includes objectionable maritime cargo scanning language that could be devastating to both the international and domestic flow of commerce.

The decision to mandate scanning for 100 percent of cargo containers is a risky proposition because it does not follow a risk-based approach:

The title of the final conference report clearly states that its purpose is to implement the recommendations of the 9/11 Commission. But the commission did not advocate for the scanning—or even screening—of 100 percent of the containers arriving at our shores.

The 9/11 Commission recommended instead that we mitigate our vulnerabilities to terrorism in a logical manner by applying our resources based on risk, and specifically cautioned us not to employ a blanket approach.

Our Nation's ports, including the Port of Anchorage, are vital to our economies—both regional and national. Ensuring their security must be a top priority. But a mandate to scan every cargo container entering the U.S. could shut down many of these ports, and the resulting delays for both imports and exports would be excessive and costly for consumers.

Moreover, it is likely that foreign nations will disregard any caveats we may provide, and according to a European union diplomat,

The E.U. would consider imposing reciprocal requirements and filing a complaint against the United States in the World Trade Organization.

This fact renders the approach taken by this bill with respect to scanning cargo unworkable internationally.

Here at home, these cargo scanning provisions may be equally, if not more, devastating to rural economies. Communities in the lower 48 are served by multiple transportation modes distributing basic supplies like food and other consumer goods. In Alaska, however, over 90 percent of our supplies flow through the Port of Anchorage. Any disruption at this port would be a disaster for Alaskans, not to mention to the Port of Tacoma, which serves as a

conduit for cargo transiting to and from Alaska.

Some contend that we are not doing enough for port security. I disagree. Not even one year ago, we passed the Safe Port Act. While many of us made these same arguments concerning 100 percent scanning during the debate of that bill, we ultimately settled on directing DHS to conduct a pilot program to determine whether 100 percent scanning of cargo containers is even feasible. The pilot began earlier this year and we are only now beginning to get a clearer picture of the complexities that scanning entails.

Mandating 100 percent scanning of cargo containers without the benefit of the results of the pilot tests is premature and counterproductive.

Homeland security should not be used as a rhetorical tool. Let us first learn from the lessons promised by the Safe Port Act's pilot tests before committing ourselves to an irrational, costly, and potentially ineffective approach to securing our Nation.

I thank the following staff of the Senate Commerce Committee for their hard work on this bill:

Pamela Friedman, Mark Delich, Jarrod Thompson, Chris Bertram, Mike Blank, Kim Nahigian, Paul Nagle, Christine Kurth, Dan Neumann, Betsy McDonnell, and David Wonnenberg.

Mr. President, I yield the floor.

Mr. DURBIN. Mr. President, I commend Senators LIEBERMAN and COLLINS for their leadership and the members of the Conference Committee for their work on this important legislation.

More than five years after 9/11—despite tens of billions of dollars spent—America's ports, rails, airports, borders, nuclear powerplants and chemical plants are still not as safe as they could be.

It has been almost 3 years since the 9/11 Commission issued its final recommendations.

This legislation is a major step toward fully implementing the recommendations of the bipartisan 9/11 Commission. It changes course after years of inadequate action on critical homeland security needs.

The bill will make America more secure because it: provides funding for first responders; makes it harder for potential terrorists to enter the United States; helps secure our rail, air, and mass transit systems; and improves intelligence and information sharing at all levels of law enforcement.

I am especially proud to highlight a few provisions in the bill that I have championed for some time.

The legislation specifies that States can use Federal grants to design, conduct, and evaluate mass evacuation plans and exercises.

MASS EVACUATION

As we learned from Hurricanes Katrina and Rita, there is no substitute for being prepared.

Last fall, Rockford, IL, was flooded after heavy storms. Public safety workers were able to vacate an entire neighborhood quickly and safely because they were prepared.

They had an evacuation plan. They knew where they would take people. They had a mobile command center set up there within hours.

Most cities and States have evacuation plans. But you need to have training drills and exercises to identify where the plan breaks down. Evacuation exercises allow you to work out solutions before lives are at risk in a real emergency. We may only have one chance to get it right.

CIVIL LIBERTIES

The 9/11 Commission recognized that one of the biggest challenges we face in fighting the war on terrorism is protecting civil liberties. The Commission said:

While protecting our homeland, Americans should be mindful of threats to vital personal and civil liberties. This balancing is no easy task, but we must constantly strive to keep it right.

To help keep this balance right, the Commission wisely recommended the creation of a board to ensure that the Government does not violate privacy or civil liberties. Three years ago, when Congress passed the first 9/11 bill, it included a provision I worked on to create a Privacy and Civil Liberties Oversight Board. The bill that the Senate passed would have created a strong and independent board with subpoena power, a full-time Chairman, and a broad statutory mandate, among other things.

Unfortunately, House Republicans were able to water down the bill to reduce the independence and authority of the Privacy and Civil Liberties Board. As a result, the board has not been an effective check on this administration, which has shown reckless disregard for the constitutional rights of innocent Americans.

The conference report we consider tonight will fix those deficiencies.

Throughout American history, in times of war, we have sacrificed liberty in the name of security. As the 9/11 Commission said, ''The choice between security and liberty is a false choice.'' We can be both safe and free. I hope the new and improved Privacy and Civil Liberties Oversight Board will help make that a reality.

RISK-BASED

Two years ago Congress earned an F from the 9/11 Commission for creating a Homeland Security Grant Program that is not sufficiently focused on risk.

This bill puts more emphasis on risk as a factor in distributing homeland security grants. Right now, homeland security grants are based on a variety of factors—but risk is one of many.

INFORMATION SHARING

The 9/11 Commission strongly recommended that we change the culture in Government, so that agencies talk to each other and share information so everyone can do their jobs.

In 2001, the FBI had information about the hijackers that was never shared with local officials.

The conference report responds to that challenge. This bill: makes the Office of Information Sharing permanent, establishes an interagency coordination group on threat assessment, and makes it easier to share information between State and local government and across Federal agencies.

I am pleased that conferees made the program manager for the Information Sharing Environment (ISE) permanent and authorizes funds and staff to carry out the ISE mission.

The bill also calls for progress reports to Congress on the Information Sharing Environment.

''JOHN DOE'' PROVISION

I will support the conference report, but I want to make clear that it contains one provision that has not been properly written or carefully considered. The so-called John Doe provision would give blanket immunity to citizens and Government officials who engage in racial profiling, as long a court finds they were acting in good faith.

The proponents of this legislation claim that it is necessary because citizens will not report suspicious behavior if they are afraid they will be sued for racial profiling.

With all due respect, this is a solution in search of a problem. There is no evidence that people are reluctant to file complaints about suspicious behavior and there is no epidemic of nuisance lawsuits against people who do so.

In fact, all the evidence points in the opposite direction—vigilant Americans are playing a crucial role in homeland security.

The reality is that this provision is targeted at one pending lawsuit. There is no indication that the courts are incapable of handling this or any other racial profiling lawsuit. There are immunity rules that the courts have developed over many years and there is no evidence that those rules are not working to protect innocent people from nuisance lawsuits.

I cannot judge the merits of this particular lawsuit, but I do know this: Congress should not be in the business of passing legislation to affect the outcome of individual cases that are pending in court. We should not substitute our judgment for that of a jury of American citizens, doing their civic duty, who will hear and weigh all of the relevant evidence.

Remember the last time Congress did this? It was the Terri Schiavo case. That should be a warning to Congress not to go down this road again.

Its proponents claim that the John Doe provision is necessary so that people would not be deterred from reporting suspicious behavior. But this legislation will have another chilling effect: It will deter victims of racial profiling from seeking justice in the courts.

This legislation would require a plaintiff to pay attorneys fees to a defendant if the defendant who allegedly engaged in racial profiling acted in

good faith. Let's be clear: even if a defendant acted in bad faith, many victims of racial profiling will not file a lawsuit because they cannot take the risk that they will be forced to pay attorney's fees if they lose.

Despite what its proponents claim, the John Doe provision applies to more than just terrorism cases. In fact, it applies to any activity related to a threat to a passenger vehicle or its passengers. As a result, this provision will probably be invoked by every defendant in every future racial profiling case.

I am especially disappointed that this legislation was inserted into the 9/11 conference report without any consideration of the concerns I have outlined. This provision was not in the 9/11 bill that the Senate passed. In the Senate, it has received no hearings, no debate, and no votes.

The John Doe bill falls under the jurisdiction of the Judiciary Committee, of which I am a member. Senator LEAHY, the chairman of the Judiciary Committee, asked that it not to be included in the 9/11 conference report so that we could hold hearings on it, but unfortunately his request was not granted.

This reminds me of another controversial bill that was inserted into a conference report without any debate in the Senate. It's called the REAL ID Act, and it is now opposed by States across our country.

I will be tracking closely how this legislation is implemented. I suspect that, as with REAL ID, the John Doe law will be met with rising opposition across this country as more and more Americans learn about it.

CLOSE

The 9/11 Commission gave Congress a critically important job.

The Commission charged Congress with making structural changes to close the gaps in America's homeland security defenses. This legislation responds to that challenge, and I support final passage of the conference report.

Mr. LIEBERMAN. Mr. President, I am prepared to yield back all remaining time, and Senator COBURN, in the spirit of not only the good spirit I identify with him but in the spirit of the hour, I gather, is prepared to yield back his remaining time as well.

Ms. COLLINS. Mr. President, I yield back the time on this side as well.

Mr. LIEBERMAN. Mr. President, again, I thank Senator COLLINS and Senator COBURN. It is a measure of their devotion that they are both still here at this hour.

MORNING BUSINESS

Mr. LIEBERMAN. 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 ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT COLONEL JEAN McGINNIS

Mr. REID. Mr. President, I rise today to congratulate LTC Jean McGinnis upon retiring from military service. For more than 25 years, our Nation has been fortunate to have such an intelligent, accomplished and decorated American in our armed services.

Lieutenant McGinnis exemplifies selfless devotion to one's country. Born in Deadwood, SD, Lieutenant McGinnis began her service early. The New Mexico Military Institute commissioned her as a 2nd lieutenant before she even completed her bachelor's degree at Texas A&M. She joined the Army Reserve as an active Guard Reserve Officer, and continued her education at Fort Eustis, VA, where she successfully passed the aviation maintenance officer course to become an Army test pilot in the UH–1 Huey helicopter.

In 1991, Captain McGinnis was stationed in Pennsylvania at the Willow Grove Naval Air Station as the aviation operations officer for the 2/288th Aviation Regiment. Five years later, she was assigned to the Office of the Chief, Army Reserve, Program Analysis and Evaluation Division and then as a budget analyst for the Army. In 1999, Major McGinnis moved to Arlington, VA, in order to serve as a congressional liaison after training at the Command and General Staff College.

Throughout her service, Lieutenant McGinnis has gained wide recognition from her commanding officers. She has earned the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the National Defense Service Medal, the Senior Army Aviator Badge, and the Air Assault Badge and the Army Staff Badge. These accomplishments speak volumes for her dedicated service to the country.

It is with great pride that I commend Lieutenant Jean McGinnis on this wonderful accomplishment. You have served our Nation with distinction, and I wish you the best on your well-deserved retirement.

LIEUTENANT COLONEL JEAN M. McGINNIS

Mr. INOUYE. Mr. President, today I honor, and pay tribute to LTC Jean M. McGinnis, who will retire from the U.S. Army on August 31, 2007, after 25 years of distinguished service. Lieutenant Colonel McGinnis is an outstanding American soldier who served in a succession of command and staff positions worldwide of increasing responsibility.

In her last assignment in the U.S. Army as the Deputy Chief of the Army, Senate Liaison Division, Lieutenant Colonel McGinnis demonstrated the managerial and leadership skills that have characterized her career. She demonstrated Army values daily, supported her subordinates and chief tirelessly, and traveled extensively escorting Senators, their staffs, and Senate committee professional staff members on inspections and factfinding trips in the United States and overseas.

Lieutenant Colonel McGinnis previously served as a Congressional Budget Liaison Officer in the Office of the Chief of Army Reserve and as an Operations Research Analyst in Programs, Analysis, and Evaluation in the Pentagon. From 1982 to 1994, she served as an Aviation Officer, in the positions of Platoon Leader, Detachment Commander, Company and Battalion Flight Operations Officer.

During her aviation career Lieutenant Colonel McGinnis had many assignments ranging from humanitarian assistance missions in Guatemala and Honduras to piloting the Chairman of the Joint Chiefs of Staff and the Chief of Staff of the U.S. Army in Egypt as part of Operation Bright Star.

In 1997, Lieutenant Colonel McGinnis was assigned to the Office of the Chief of Army Reserve in Washington, DC, as an Operations Research Systems Analyst. During this assignment she reconciled Army Reserve resource requirements with Army program needs. She later served as a Budget Analyst in the Office of the Deputy Chief of Staff for Personnel, Resource Division. While in this challenging assignment, she served again as an Operations Research Budget Analyst of Reserve personnel and was directly involved with complex Army training and Reserve personnel policy issues.

She was then selected to represent the Army on Capitol Hill and served 4 years working for the Army Senate Liaison Division and the Office of the Chief of Army Reserve. Lieutenant Colonel McGinnis' expertise and knowledge of the Active Army and Reserve policies and procedures has been of great value to Senators and their staffs. Lieutenant Colonel McGinnis' leadership, resourcefulness, and professionalism made lasting contributions to Army readiness and mission accomplishments. Her service to our Nation has been exceptional, and Lieutenant Colonel McGinnis is more than deserving of this recognition.

DIGNIFIED TREATMENT OF WOUNDED WARRIORS ACT

Mr. CRAIG. Mr. President, I wish to take a moment to comment on the passage of the Dignified Treatment of Wounded Warriors Act. The President's blue ribbon Wounded Warrior Commission met with the President to provide

him with recommendations as to how the Veterans' Administration, along with the Department of Defense, can best provide service to our dramatically injured veterans in a seamless fashion.

Our action, with passage of this legislation, is a step in the same direction. It fulfills the pledge we made a few months ago when the Veterans' Affairs Committee, along with the Armed Services Committee, held joint hearings to receive testimony on needed changes to transition programs and health care benefits.

At that time, many of us stated our intention to make a good-faith effort to work on issues under our respective committees' jurisdictions and then to merge our work back together again at the earliest possible time.

This bill not only contains the legislation that went through the Armed Services Committee earlier in the form of S. 1606, but it also includes title II of the bill, legislation sponsored by Senator DANNY AKAKA and me to address issues surrounding the treatment provided to those veterans with traumatic brain injuries.

Of course, I am proud of the comprehensive nature of the legislation Senator AKAKA and I have put forward in this legislation and pleased to see its passage.

Under the provisions in this bill, injured veterans will benefit from new investments in research into mild, moderate, and serious traumatic brain injury. They and their families will be assured that care is provided in age-appropriate settings. We will explore whether assisted living services are the most appropriate and least restrictive settings to provide care for those with traumatic brain injury.

Most important to me is that our servicemembers, veterans, and their families will have peace of mind knowing the Secretary can provide traumatic brain injury care in a private, non-VA facility anytime the Secretary determines that doing so would be optimal to the recovery and the rehabilitation of that patient. In other words, with passage of this legislation, we are assuring that whenever it is in the best interest of the patient's recovery, then VA can purchase private care to treat traumatic brain injury.

These are a few of the very important provisions in title II of the legislation. Of course, there are many other notable pieces of the bill in title I, which, as I previously stated, was produced by my colleagues in the Armed Services Committee. I compliment them again for their work on this important bill.

We said we would do this as expeditiously as possible. The earliest time possible was, of course, the National Defense Authorization Act, which was on the floor a few weeks ago. There, we added the substance of the bill as an amendment to that act.

Unfortunately, the NDAA was pulled from the floor—a little premature, in my judgment, but it was. But I do wish to compliment both leaders for agreeing in a bipartisan way to bring this important part of that bill before us quickly so our troops and our injured veterans and their families can receive the care and benefits they deserve as quickly as it can be delivered.

I said on the floor a few weeks ago, during consideration of the National Defense Authorization Act, the legislation was very important because it demonstrated that Congress can break down the walls of jurisdiction and territory and do the right thing at the right time for our troops.

I and other Senators have been very critical of the bureaucratic roadblocks DOD and VA can put up against one another, when we all want to make sure they are working together in a seamless fashion. We now see those walls breaking apart. So I believe we are going to demand that these two agencies break down further those barriers of territory and jurisdiction. When we demonstrate we can do it, we then must ask them to do it. In this legislation, you saw two committees come together to make it possible. I am proud we have done so. It is the kind of work we ought to do.

I also think it is fitting we passed this bill yesterday because the President's Commission on Care for America's Returning Wounded Warriors is set to issue its final report. That happened. We have now had an opportunity to review it. I thank all of the Members of that Commission for their service and for all of the work they did in a short timeframe. Former Senator Bob Dole and Secretary Donna Shalala were great leaders on this issue for us and for our veterans and for our troops.

The passage of this bill is only the beginning of changes that we will make and must make for the health care and the benefit services offered to our veterans and offered through VA and DOD. I look forward to hearings on the panel's recommendations soon and to finalize the reading of the report. I now have it in hand. I am hopeful that with the passage of this legislation, which will soon be on its way to the President for signature, we in the Congress can focus on the recommendations of the Dole-Shalala panel.

With that, I again thank the chairman of the Veterans' Affairs Committee, Senator AKAKA, for his work and support in the production of title II of this bill. I also want to thank and compliment Senator MCCAIN and Senator LEVIN and Senator WARNER for their work on title I, the Wounded Warrior legislation. I truly appreciate the coming together of these diverse but connected jurisdictions to show we can break down our walls and to once again demonstrate and encourage both the Department of Defense and VA to work in a progressive, seamless fashion for the benefit of our fighting men and women and for the benefit of those same men and women when they become veterans and the responsibility for them shifts to a different jurisdiction. It is important legislation and work of which we can be proud.

LIVESTOCK INDEMNITY PROGRAM PAYMENTS

Mr. THUNE. Mr. President, I rise today to highlight an important piece of legislation that was passed by the Senate last night. This legislation would fix a potentially devastating mistake in the agriculture disaster assistance legislation Congress passed last May.

Over the past few years, drought conditions and other natural disasters have financially strained tens of thousands of agriculture producers across the country. Last May, Congress responded to the needs of America's producers by enacting more than $3 billion in emergency disaster assistance for farmers and ranchers who experienced losses in 2005, 2006, and early 2007.

This assistance includes payments for livestock losses under the Livestock Indemnity Program and compensation for grazing losses under the Livestock Compensation Program.

Last month, it was brought to my attention that as many as 90% of livestock producers will be ineligible for assistance due to an unintended technicality in the emergency supplemental bill. The USDA's Office of General Counsel is interpreting Section 9012 of the emergency supplemental bill in a very narrow manner. This section requires participation in the Non-Insured Crop Disaster Assistance Program—NAP—or Federal crop insurance pilot program during the year livestock disaster assistance is requested.

If disaster benefits are limited to only those livestock producers with NAP or crop insurance coverage, the vast majority of livestock producers in drought-stricken regions will be ineligible for disaster assistance.

While crop insurance is typically required for crop disaster assistance, similar requirements are highly unusual for livestock disaster assistance. In fact, NAP coverage has never been a prerequisite for livestock disaster assistance in previous emergency spending bills.

Only a small percentage of livestock producers have traditionally participated in the NAP program, because indemnity payments range from $1 to $2 per acre. Since NAP payments are so low, few grazing producers have participated. It is simply bad policy to exclude producers from disaster assistance who chose not to participate in an ineffective program.

Congress clearly intended disaster assistance to be available to those producers most impacted by years of devastating weather conditions. My legislation would strike Section 9012 of the 2007 emergency supplemental spending bill, and would ensure that livestock producers impacted by natural disasters receive assistance they deserve in a timely manner.

The USDA is currently preparing policy, procedure and software to implement disaster programs authorized under this legislation. USDA has promised to conduct signup and deliver financial assistance to our agriculture producers this fall. By the time these disaster dollars reach individual producers, many will have waited for over two years since first experiencing weather-related losses. Without this legislative fix, unacceptable disaster program implementation delays will occur.

I thank the cosponsors of this legislation who have made another strong stand for America's farm and ranch families. I also thank my colleagues in the Senate for recognizing the urgency of this situation and passing this bill by unanimous consent last night.

Cosponsors of the bill are: Senators NELSON of Nebraska, BAUCUS, TESTER, JOHNSON, CONRAD, HARKIN, LANDRIEU, BARRASSO, ENZI, HAGEL, DORGAN, and INHOFE.

I urge the House of Representatives to quickly pass my bill to ensure that livestock producers are able to qualify for the disaster assistance that was signed into law earlier this year.

NOMINATION OF LESLIE SOUTHWICK

Mr. DURBIN. Mr. President, I made remarks yesterday on the Senate floor about the nomination of Judge Leslie Southwick to the U.S. Court of Appeals for the Fifth Circuit.

Some of my Republican colleagues then came to the floor and made their own remarks about Judge Southwick. I would like to respond to some of their points and set the record straight.

First, I take issue with the way they described the procedural history of a case involving a White employee in Mississippi who was fired for calling an African-American colleague the ''N'' word. In this sharply divided 5- to 4-case, Judge Southwick joined the majority, and he voted to reinstate the White employee with full backpay and no punishment whatsoever.

Senator CORNYN came to the Senate floor and said that the Southwick majority ''was ultimately upheld by the Mississippi Supreme Court in compliance with appropriate legal standards.''

That statement does not accurately describe what actually happened.

Yes, the Mississippi Supreme Court said that termination was too Draconian a punishment, but it also said that the decision to reinstate the White employee with full backpay and with no punishment whatsoever—the decision that Judge Southwick signed onto—was erroneous.

Let me read the last three words of the Mississippi Supreme Court's opinion in this case so the record is clear. The three words are: ''reversed and remanded.''

The Mississippi Supreme Court concluded: ''[W]e remand this matter back to the Employee Appeals Board for the imposition of a lesser penalty, or to make detailed findings on the record why no penalty should be imposed.''

This conclusion is the same one reached by Judge Diaz, who dissented from Judge Southwick and the five-person majority at the appeals court level. Judge Diaz wrote: ''I write separately to object to the EAB's failure to impose sanctions upon Bonnie Richmond for using a racial slur in describing another DHS employee. . . . This is not to say that the EAB should have followed the DHS's recommendations to terminate Richmond, but there is a strong presumption that some penalty should have been imposed.''

That conclusion, which the Mississippi Supreme Court embraced, undermines Senator CORNYN's assertion that the Southwick majority ''was ultimately upheld by the Mississippi Supreme Court.''

The bottom line is that Judge Southwick voted to reinstate the White employee with complete impunity—with no punishment whatsoever. The Mississippi Supreme Court said: No, punishment should be considered.

Let me address another aspect of this case that was mentioned by a Republican colleague. In trying to minimize the significance of the case and defend Judge Southwick's position, this Senator stated that the White employee's use of the ''N'' word was ''a one-time comment.''

I would dispute that characterization. It is true that the Southwick majority referred to ''this one use of a racial epithet.'' However, according to a letter from the State agency reprinted in the State supreme court opinion, there were at least two instances in which the White employee used the ''N'' word: once in front of the victim and once at a meeting where the victim was not present.

In addition, as set forth in the State supreme court opinion, the White employee testified that she didn't think her Black colleague would be offended by use of the ''N'' word because: ''You know, I thought that we had used that terminology previously and Varrie [the black employee] didn't seem to have a problem with it, nor anyone else.''

So it seems that the use of the ''N'' word was not an isolated comment in this workplace.

Senator CORNYN tried to defend Judge Southwick's vote in this case, and he said the following: ''A judge has no choice but to vote. He voted for the result, for the outcome of the case, but I think it's unfair to attribute the writing of the opinion to Judge Southwick.''

I disagree. As I noted yesterday, Judge Southwick had other options in this case. He could have written a concurrence. He could have written a dissent. He could have joined one of two different dissents that were written by other members of his court in this case. He did none of these things.

The ''N'' word case is not the only case in which Judge Southwick has demonstrated racial insensitivity. A coalition of four leading civil rights groups—the NAACP, the NAACP Legal Defense and Educational Fund, the National Urban League, and the Rainbow/PUSH Coalition—wrote a letter to the Senate Judiciary Committee and stated:

> We are also troubled by Judge Southwick's record in cases involving race discrimination in jury selection. . . . Generally, Southwick has upheld the rejection of claims by defendants that the prosecution was motivated by race discrimination in striking African Americans from juries. However, Southwick appears to have less difficulty finding race discrimination when the prosecution makes 'reverse Batson' claims that defendants have struck white jurors for racial reasons.

The letter discusses several examples of this trend in Judge Southwick's track record.

Let me also say a little more about the case in which Judge Southwick voted to take away an 8-year-old girl from her lesbian mother.

What is troubling about this case is not only the result that Judge Southwick reached but also the fact that he was the only judge in the majority to sign onto a troubling concurring opinion that said sexual orientation is a choice and that losing a child in a custody battle is a consequence of that choice.

Judge Southwick is opposed by the Human Rights Campaign—a prominent gay rights organization—which has said the following about this nominee:

> No parent should face the loss of a child simply because of who they are. If he believes that losing a child is an acceptable 'consequence' of being gay, Judge Southwick cannot be given the responsibility to protect the basic rights of gay and lesbian Americans.

As I said yesterday, this nomination isn't just about the ''N'' word case and the gay custody case. Judge Southwick has a long track record of favoring employers and corporations over employees and consumers. There are two studies that bear this out: One was conducted by the Business and Industrial Political Education Committee, as reported by the Biloxi, Mississippi Sun Herald on March 24, 2004. The other study was undertaken by an organization called the Alliance for Justice and is available on their website.

I would make one final point. One of my Republican colleagues criticized me for opposing Judge Southwick for a seat on the Fifth Circuit while having voted for him last year to be a Federal district court judge.

It is true that Judge Southwick was voted out of the Senate Judiciary Committee last year by voice vote as part of a package of 10 judicial nominees. But we did not know about the ''N'' word case at that time. It is an unpublished decision and was not brought to our attention until this year.

In any event, the reality is that our circuit courts are more crucial to the protection of our rights and liberties than our district courts. Because the U.S. Supreme Court takes so few cases,

the circuit courts of appeal are the final word in 99 percent of Federal cases that are appealed. That is why most of the judicial nomination battles of the past few years have involved circuit court nominees, not district court nominees.

I know the Senators from Mississippi, and others, feel strongly that Judge Southwick should be confirmed. I respect their beliefs, and I have listened to their arguments. But I hope they will recognize the controversy surrounding this nomination and encourage the White House to put forward a different nominee—someone who can gain bipartisan support in the Senate Judiciary Committee.

BUDGET SCOREKEEPING REPORT

Mr. CONRAD. Mr. President, I rise to submit to the Senate the second set of budget scorekeeping reports for the 2008 budget resolution. The reports, which cover fiscal years 2007 and 2008, were prepared by the Congressional Budget Office pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended.

The reports show the effects of congressional action through July 24, 2007, and includes legislation that was enacted and or cleared for the President's signature since I filed my first report last month. The new legislation includes: Public Law 110–42, an act to extend the authorities of the Andean Trade Preference Act until February 29, 2008; Public Law 110–48, a bill to provide for the extension of transitional medical assistance, TMA, and the abstinence education program through the end of fiscal year 2007, and for other purposes; and H.J. Res. 44; pending Presidential action, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes. The estimates of budget authority, outlays, and revenues used in the reports are consistent with the technical and economic assumptions of S. Con Res. 21, the 2008 budget resolution.

For 2007, the estimates show that current level spending equals the budget resolution for both budget authority and outlays while current level revenues exceed the budget resolution by $4.2 billion. For 2008, the estimates show that current level spending is below the budget resolution by $928.1 billion for budget authority and $586.7 billion for outlays while current level revenues exceed the budget resolution level by $34.6 billion.

I ask unanimous consent that the letters and accompanying tables from CBO be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC 20510

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2007 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110–42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110–48).

The effects of those actions are detailed on Table 2.

Sincerely,

ROBERT A. SUNSHINE,
For Peter R. Orszag, Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under (-) Resolution
ON-BUDGET			
Budget Authority	2,255.6	2,255.6	0.0
Outlays	2,268.6	2,268.6	0.0
Revenues	1,900.3	1,904.5	4.2
OFF-BUDGET			
Social Security Outlays [3]	441.7	441.7	0.0
Social Security Revenues	637.6	637.6	0.0

SOURCE: Congressional Budget Office.

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $120.8 billion in budget authority and $31.1 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2007, AS OF JULY 24, 2007

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous session:			
Revenues.			
Permanents and other spending legislation	n.a.	n.a.	1,904,706
Appropriation legislation	1,347,423	1,297,059	n.a.
	1,480,453	1,543,072	n.a.
Offsetting receipts	−571,507	−571,507	n.a.
Total, enacted in previous session	2,256,369	2,268,624	1,904,706
Enacted this session:			
Appropriation Acts:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28) 1/	−794	9	−166
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−24
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	12	3	0
Total, enacted this session	−782	12	−190
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	−30	0	0
Total Current Level 1, 2/	2,255,557	2,268,636	1,904,516
Total Budget Resolution	2,376,360	2,299,752	1,900,340
Adjustment to the budget resolution for emergency requirements 3/	−120,803	−31,116	0
Adjusted Budget Resolution	2,255,557	2,268,636	1,900,340
Current Level Over Adjusted Budget Resolution	0	0	4,176
Current Level Under Adjusted Budget Resolution	0	0	n.a.

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2007, which are not included in the current level total, are as follows:

	Budget a uthority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	120,803	31,116	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(f), assumed $120,803 million in budget authority and $31,116 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.

Hon. KENT CONRAD,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2008 budget and is current through July 24, 2007. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as approved by the Senate and the House of Representatives.

Pursuant to section 204(a) of S. Con. Res. 21, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 1 of Table 2 of the report).

Since my last letter, dated June 27, 2007, the Congress has cleared and the President has signed:

An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (Public Law 110–42); and

A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of the fiscal year 2007, and for other purposes (Public Law 110–48).

In addition, the Congress has cleared for the President's signature a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44).

The effects of those actions are detailed on Table 2.

Sincerely,

PETER R. ORSZAG,
Director.

TABLE 1.—SENATE CURRENT LEVEL REPORT FOR SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In billions of dollars)

	Budget Resolution [1]	Current Level [2]	Current Level Over/Under(−) Resolution
ON-BUDGET			
Budget Authority	2,350.3	1,422.2	−928.1
Outlays	2,353.9	1,767.2	−586.7
Revenues	2,015.8	2,050.4	34.6
OFF-BUDGET			
Social Security Outlays [3]	460.2	460.2	0.0
Social Security Revenues	669.0	669.0	0.0

SOURCE: Congressional Budget Office.

[1] S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, as adjusted pursuant to section 207(f), assumed approximately $0.6 billion in budget authority and $48.6 billion in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1 of table 2), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

Additionally, section 207(c)(2)(E) of S. Con. Res. 21 assumed $145.2 billion in budget authority and $65.8 billion in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

[2] Current level is the estimated effect on revenue and spending of all legislation that the Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations, even if the appropriations have not been made.

[3] Excludes administrative expenses of the Social Security Administration, which are off-budget, but are appropriated annually.

TABLE 2.—SUPPORTING DETAIL FOR THE CURRENT LEVEL REPORT FOR ON-BUDGET SPENDING AND REVENUES FOR FISCAL YEAR 2008, AS OF JULY 24, 2007

(In millions of dollars)

	Budget Authority	Outlays	Revenues
Enacted in previous session:			
Revenues	n.a.	n.a.	2,050,796
Permanents and other spending legislation	1,410,115	1,351,590	n.a.
Appropriation legislation	0	419,862	n.a.
Offsetting receipts	−575,635	−575,635	n.a.
Total, enacted in previous session	834,480	1,195,817	2,050,796
Enacted this session:			
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)[1]	1	42	−335
An act to extend the authorities of the Andean Trade Preference Act until February 29, 2008 (P.L. 110–42)	0	0	−41
A bill to provide for the extension of Transitional Medical Assistance (TMA) and the Abstinence Education Program through the end of fiscal year 2007, and for other purposes (P.L. 110–48)	96	99	0
Total, enacted this session	97	141	−376
Passed, pending signature:			
A joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes (H.J. Res. 44, Pending Signature)	0	0	−2
Entitlements and mandatories:			
Budget resolution estimates of appropriated entitlements and other mandatory programs	587,601	571,260	0
Total Current Level I, [2]	1,422,178	1,767,218	2,050,418
Total Budget Resolution	2,496,053	2,468,314	2,015,841
Adjustment to the budget resolution for emergency requirements [3]	−605	−48,639	n.a.
Adjustment to the budget resolution pursuant to section 207(c)(2)(E) [4]	−145,162	65,754	n.a.
Adjusted Budget Resolution	2,350,286	2,353,921	2,015,841
Current Level Over Adjusted Budget Resolution	n.a.	n.a.	34,577
Current Level Under Adjusted Budget Resolution	928,108	586,703	n.a.

SOURCE: Congressional Budget Office

NOTES: n.a. = not applicable; P.L. = Public Law

[1] Pursuant to section 204(a) of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. The amounts so designated for fiscal year 2008, which are not included in the current level total, are as follows:

	Budget Authority	Outlays	Revenues
U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (P.L. 110–28)	605	48,639	n.a.

[2] Excludes administrative expenses of the Social Security Administration, which are off-budget.

[3] S. Con. Res. 21, as adjusted pursuant to section 207(t), assumed $605 million in budget authority and $48,639 million in outlays from emergency supplemental appropriations. Such emergency amounts are exempt from the enforcement of the budget resolution. Since current level totals exclude the emergency requirements enacted in P.L. 110–28 (see footnote 1), budget authority and outlay totals specified in the budget resolution have also been reduced (by the amounts assumed for emergency supplemental appropriations) for purposes of comparison.

[4] Section 207(c)(2)(E) of S. Con Res. 21 assumed $145,162 million in budget authority and $65,754 million in outlays for overseas deployment and related activities. Pending action by the Senate Committee on Appropriations, the Senate Committee on the Budget has directed that these amounts be excluded from the budget resolution aggregates in the current level report.

TREASURY CONFERENCE

Mr. SMITH. Mr. President, I rise today to commend Treasury Secretary Paulson and his staff at the Treasury Department for convening the Treasury Conference on Business Taxation and Global Taxation. The purpose of this conference is to examine ways our current business tax system affects economic growth, job creation, and competitiveness. This is a very important issue that requires our immediate attention.

Today American companies compete in a global market. In the 1960s, trade in goods to and from the United States represented just over 6 percent of GDP. Today, it represents over 20 percent of GDP, a threefold increase. The U.S. role in the global economy also is quite different. Forty years ago, the United States was dominant, accounting for over half of all multinational investment in the world. Yet, today the United States economy represents 20 percent of global GDP.

However, our Tax Code has not kept up with the globalization of the U.S. economy. The rules are outdated and penalize U.S. economic interests by hindering American businesses' ability to effectively compete in our global economy.

The most significant demonstration of our Tax Code's inadequacies is the corporate tax rate. As Treasury stated in its conference materials, since 1980, the United States has gone from a high corporate tax-rate country to a low-rate country and back again to a high-rate country today. According to research done by the Tax Foundation, the United States has the second highest corporate tax rate in the OECD. The only country with a higher corporate tax rate is Japan. The U.S. corporate tax rate is higher than the rate in all European Union countries.

Furthermore, the United States is one of only two OECD countries that has not reduced rates since 1994—and one of only six OECD countries that have not reduced rates since 2000. According to KPMG, the average corporate tax rate in the European Union has fallen from 38 percent in 1996 to 24 percent in 2007. The United States has an average corporate tax rate of about 39 percent, including State level corporate taxes. The U.S. rate has not dropped recently. In fact, the last time Congress acted on the corporate tax rate, we actually raised it.

According to a recent Treasury study, a country with a tax rate 1 percentage point lower than another country's attracts 3 percent more capital. Therefore, this international trend of lower corporate tax rates is not surprising, and it is critical that the United States follow suit.

A high corporate tax rate is not good for American businesses—or our economy. A high rate deters corporate investment in the United States. It also incentivizes companies to shift their profits to lower tax jurisdictions. To attract businesses and profits to America, we need to lower our corporate tax rate.

This fall I plan to introduce legislation that will lower our corporate tax rate. I look forward to working with the administration and Congress in enacting this important reform. And I once again applaud the Treasury Department for examining our broken corporate tax code.

HONORING OUR ARMED FORCES

SERGEANT JOHN R. MASSEY

Mrs. LINCOLN. Mr. President, Arkansas lost another great young patriot last week when Sergeant John R. Massey of Judsonia, AR, died from combat wounds after an improvised explosive device detonated near his vehicle in Baghdad. Sergeant Massey was a member of the Arkansas National Guard's C Battery, 2nd Battalion, 142nd Fires Brigade based in Ozark, AR.

Sergeant Massey was remembered by friends and family as a good father who enjoyed playing with his kids, spending time with his family, and riding his Harley-Davidson motorcycle. Major General William D. Wofford also shared stories about Sergeant Massey's dedication to serve. According to the Arkansas Democrat Gazette, Wofford had been told by Sergeant Massey's father that he had always wanted to be in the military and that ''this is the way John would have wanted to go out—as a soldier.'' A fellow soldier noted, ''All you needed to tell him was when and where, and it would be done.'' In fact, Wofford recalled once asking Massey if he would like to give up his spot manning a .50 caliber machine gun in the turrets of his armored patrol vehicle. According to Wofford, Sergeant Massey said, ''You can order me out of the turret . . . That's the only way I'm leaving.'' When it was all said and done, Major General Wofford said that ''Sergeant. Massey stayed in the turret until the very end.''

Sergeant Massey was posthumously awarded the Bronze Star and Purple Heart, as well as the Arkansas Distinguished Service Medal. He is survived by his wife Amanda ''Mandy'' Massey; two daugthers, Monica and Emily; son Joseph; mother Deborah Massey; and father Ray Massey; as well as other relatives and friends.

SPECIALIST ROBERT D. VARGA

Mr. President, I also rise to recognize SPC Robert D. Varga of Monroe City, MO, who died on July 15, 2007, from noncombat related injuries in Baghdad. Rob and his wife, Ellie Madder Stone, called Little Rock, AR, home and were married last year on September 5, 2006.

According to Specialist Varga's mother, Cecilia Varga, he was in the Army to serve his country and further his education. He came from a military family: his father served in Vietnam, grandfather served in World War II, and two brothers-in-law served in Iraq. Specialist Varga joined the Army in 2003 and was originally deployed as a cook with the Headquarters and Headquarters Detachment, 759th Military Police Battalion. After his first deployment, he switched duties and trained with the military police. He was then assigned to the 984th Military Police Company in October 2005.

He received many military honors, including the Combat Action Badge, Army Commendation Medal, Army Good Conduct Medal, Iraq Campaign Medal, Global War on Terror Service Medal, Army Service Medal, Army Service Ribbon, and National Defense Service Medal.

Family members remembered him for his outgoing personality and his love of cooking and drawing. He is survived by his wife Ellie; his father and mother, Frank and Cecilia Varga; sisters Pamela Poelker, Carey Noland, and Amanda Reimann; paternal grandmother, Marge Varga; maternal grandparents, Glen and Charlotte Little, as well as numerous nephews and nieces.

THE CYPRIOT PEACE PROCESS

Mr. BIDEN. Mr. President, 1 year ago this month, the United Nations Under Secretary-General for Political Affairs, Ibrahim Gambari, presided over a joint meeting between the President of the Republic of Cyprus, Tassos Papadopoulos, and the head of the Turkish Cypriot community, Mehmet Ali Talat. Their discussions reaffirmed a commitment by both sides to forge a lasting peace on Cyprus and push forward with talks to that end.

In the months since that meeting, the Cypriot peace process has stagnated. The talks that both sides agreed to never took place, and petty disputes over bureaucratic issues have stymied progress on substantive negotiations. Simply put, the people of Cyprus deserve better.

A generation of Cypriots has now grown to adulthood estranged from their peaceful shared history and their promising shared destiny. I believe we must correct this wrong before others on the island endure a similar fate. Unless the peace process begins to move at a much faster pace, that may not happen.

In the last few days, there have been some signs of progress but also troubling indications that the paralysis of the past year might continue. President Papadopoulos invited Mr. Talat to discuss the peace process, a significant step in the right direction. However, Mr. Talat—after first accepting the invitation—later claimed that it was not the right time for a meeting. I sincerely hope he will change his view and that the resulting discussions will yield real results. Neither side can afford to engage in another round of foot-dragging. I do not want to look back in a year on another anniversary of missed opportunities.

Since 2003, there have been millions of peaceful crossings at the Green Line that segregates the island's two communities. Cypriots of all ethnicities

have clearly demonstrated their ability to coexist. It is time for political leaders to bring their policies in line with the actions of their people. As part of that process, Turkey should begin the withdrawal of troops from Cyprus. The presence of these forces is neither justified nor necessary and complicates efforts to return the island to a state of lasting peace.

Mr. President, as I have said before, the reunification of Cyprus will have significance far beyond the Mediterranean. The island could serve as an example of how different ethnic groups can overcome past wrongs, bridge differences, and live together as neighbors. I am confident that future generations of Cypriots can serve as such a model and, in doing so, enjoy the peace that they rightly deserve. I hope that their political leaders will move quickly to afford them that opportunity.

NATIONAL DAY OF THE AMERICAN COWBOY

Mr. ENZI. Mr. President, I rise to remember my dear friend and colleague, Senator Craig Thomas. Craig was a champion for Wyoming, the West, and its values. Every year, for the last several years, Craig championed a resolution honoring the American cowboy. A true cowboy in his own right, Craig sought to honor those who serve as stewards of the land, embody the courageous and daring spirit of the West, and uphold the values of freedom and responsibility that we all cherish.

I was proud to support my friend in this endeavor over the years to honor these great individuals, and today, I am pleased the President has also stated his support for the National Day of the American Cowboy. As cowboys, cowgirls, family, and friends gather on July 28, 2007, to celebrate at Cheyenne Frontier Days and nationwide, I extend my best wishes to all.

FDA LEGISLATION

Mr. GRASSLEY. Mr. President, I am here today to speak about S. 1082, the Food and Drug Administration Revitalization Act, and H.R. 2900, the Food and Drug Administration Amendments Act of 2007.

The Senate passed S. 1082 in May and the House passed H.R. 2900 earlier this month. As the House and Senate go into conference and work to resolve differences between these two bills, I urge my colleagues to keep in mind the public's interest.

Both bills contain provisions that attempt to address some of the problems that have been plaguing the FDA over the past 3 years. Some of these issues are better addressed by the Senate bill and others by the House bill.

I am going to spend the next few minutes to comment on what the bills don't do and point out some of the provisions that I believe are important to improving drug safety at the FDA that will benefit all Americans.

Two months ago, I offered amendment No. 1039 to S. 1082, because I believed—and still believe—that S. 1082 does not address a fundamental problem at the Food and Drug Administration—the lack of equality between the preapproval and postapproval offices of the agency, the Office of New Drugs and the Office of Surveillance and Epidemiology, respectively. The Office of New Drugs approves drugs for the market, while the Office of Surveillance and Epidemiology monitors and assesses the safety of the drugs once they are on the market.

My amendment was intended to curb delays in FDA actions when it comes to safety.

The Institute of Medicine recognized the imbalance between the Office of New Drugs and the Office of Surveillance and Epidemiology and recommended joint authority between these two offices for postapproval regulatory actions related to safety. My amendment did just that.

While I believe an independent postmarketing safety center is still the best solution to the problem, joint postmarketing decisionmaking between the Office of Surveillance and Epidemiology and the Office of New Drugs at least would allow the office with the postmarketing safety expertise to have a say in what drug safety actions the FDA would take.

Unfortunately, this amendment lost by one vote. But the fact that it lost by such a narrow margin demonstrates that many of my Senate colleagues also recognize the seriousness of this problem and believe action by Congress is necessary.

I have seen time and time again in my investigations that serious safety problems that emerge after a drug is on the market do not necessarily get prompt attention from the Office of New Drugs, the office that approves drugs to go on the market in the first place. We saw this with Vioxx and more recently with the diabetes drug Avandia.

FDA has disregarded and downplayed important concerns and warnings from its own best scientists. We saw evidence of that in the way FDA treated Dr. Andrew Mosholder's findings on antidepressants and Dr. David Graham's findings on Vioxx. The FDA even attempted to undermine the publication of Dr. Graham's findings in the journal Lancet.

My current review of FDA's handling of Avandia has unearthed concerns similar to those we have seen in the past—a situation where FDA ignored its own postmarketing safety experts and once again left the public in the dark regarding potential, serious health risks.

Not only did the FDA disregard the concerns and recommendations from the office responsible for postmarketing surveillance, but I have found that it also attempted to suppress scientific dissent.

As I have said many times before, FDA employees dedicated to postmarketing drug safety should be able to express their opinions in writing and independently without fear of retaliation, reprimand, or reprisal. But in the past 2 months, I have had to write to the FDA regarding the suppression of dissent from not one but two FDA officials involved in the review of Avandia.

Last month, I expressed concerns about FDA's treatment of the former Deputy Director of the Division of Drug Risk Evaluation. I urged the Commissioner to take appropriate corrective actions. That deputy director had been verbally reprimanded because she signed off on a recommendation that a black box warning be placed on Avandia for congestive heart failure.

This week, I wrote to the Commissioner about a senior medical officer in the Office of New Drugs who was removed from the review of potential cardiovascular safety problems associated with Avandia. This medical officer also believed that there was enough evidence to support a black box warning on Avandia regarding congestive heart failure. But I guess that FDA management just did not want to hear about drug safety problems—again.

Of the two bills up for discussion, neither the Senate nor the House version will give postmarketing surveillance the equal footing it deserves with drug approval. But I appreciate the attempt by my colleagues in the House to provide some transparency in FDA's postmarketing drug safety system. Transparency is the key to accountability. In particular, I welcome the provision in H.R. 2900 that would require FDA to report to Congress on drug safety recommendations received in consultation with, as well as the reports from, the Office of Surveillance and Epidemiology. If FDA does not act on a recommendation from the Office of Surveillance and Epidemiology or it takes a different action, the agency would be required to provide its justification to Congress.

In its report released last fall, the Institute of Medicine called for specific safety-related performance goals in the Prescription Drug User Fee Act, PDUFA, of 2007 to restore balance between speeding access to drugs and ensuring their safety.

I have heard from FDA employees that because of the PDUFA deadlines, the staff in the Office of New Drugs is under tremendous time pressure to approve new drugs quickly, so safety concerns often needed to be ''fit in'' wherever they could. This reinforces a point I have frequently made in the past—the Office of New Drugs doesn't give postmarketing drug safety the attention or priority it deserves.

The House bill attempts to address this, in part, by requiring that postmarketing safety performance measures be developed that are ''as measurable and rigorous as the ones already developed for premarket review.''

S. 1082 requires that the Secretary assess and implement the risk evaluation and management strategies in

consultation with the Office of New Drugs and the Office of Surveillance and Epidemiology. It also calls for a report to Congress on the assessment of that coordination.

The requirement that these two offices be consulted doesn't necessarily change the status quo. The Office of Surveillance and Epidemiology is still just a consultant to the Office of New Drugs, and the Office of New Drugs decides—and will continue to decide—what, if any, action will be taken to address a safety issue. But I hope that requiring that the office responsible for postmarketing surveillance be at the table would encourage FDA to better define the role of this office on drug safety matters and give this office a greater voice, albeit a limited one.

Last fall, the Government Accountability Office reported that the Office of New Drugs typically sets the agenda and chooses the presenters at FDA's scientific advisory meetings. The GAO recommended that the role of the Office of Surveillance and Epidemiology be clarified. After all, this office is the expert on postmarketing safety matters.

This week, Senator BAUCUS and I sent a letter to the FDA to express concerns regarding an upcoming advisory committee meeting on Avandia. As usual, the Office of New Drugs is setting the agenda here. We pointed out to the FDA that it doesn't make sense that it is the drug approval office and not the postmarketing safety office that controls the advisory committee meeting convened for the purpose of discussing postmarketing safety matters.

In addition to the provisions I have mentioned so far, both the Senate and House bills would give FDA the much needed authorities to require labeling changes and postapproval studies; however, the House bill includes additional provisions outside of the risk evaluation and management strategy process that is established under both bills.

The House bill specifically enables the Secretary to initiate action on drug labeling and postapproval studies. For example, outside of the risk evaluation and management strategy process, the Secretary may require a manufacturer to conduct postapproval research to assess or identify potential health risks.

Another provision that would improve transparency at the FDA is a provision in the Senate bill that requires FDA to post on its Web site, the ''action package'' for the approval of a new drug within 30 days of approval. That action package would contain any document generated by the FDA related to the review of the drug application, including a summary review of all conclusions and, among other things, any disagreements and how they were resolved.

Further, in light of the many allegations that FDA safety reviewers are sometimes coerced into changing their scientific findings, I believe it is critical that the following provision in S. 1082 survives the legislative conference process—the provision that states that a scientific review of a drug application must not be changed by FDA managers or the reviewer once it is final.

S. 1082 also requires FDA to seek outside expert opinions on drug safety questions at least two times a year from its Drug Safety and Risk Management Advisory Committee and other advisory committees.

Another important provision in S. 1082 is a requirement that FDA establish and make publicly available clear, written policies on the review and clearance of scientific publications by FDA employees.

Some of the stronger provisions regarding the expansion of the clinical trial registry come from the House bill. While both bills address clinical trial registration, the House bill adopts a much broader definition of applicable clinical trials. ''Thus, information about many more trials would be made publicly available through the Internet under the House bill.''

Clinical trial registries serve an important function—they foster transparency and accountability in health-related research and development by ensuring that the scientific and medical communities and the general public have access to basic information about clinical trials. Mandatory posting of clinical trial information would help prevent companies from withholding clinically important information about their products.

I have heard from some scientists that they can't disclose the findings of their studies because the data belongs to the manufacturer. It is up to the manufacturer to decide if and when the results would be published, and those results don't always see the light of day.

But scientists need access to all of the evidence to conduct a full and independent review of a product's safety. However, we know that relevant data are not always made available for further review by independent scientists. While the House bill does not require manufacturers to share its data with other scientists, it does require the sponsor of a study to report whether or not agreements were made restricting individuals from discussing or publishing trial results.

In addition, for FDA's new authorities to be effective, there has to be strong civil monetary penalties. In May, I also offered amendment No. 998 to S. 1082. That amendment passed.

Amendment No. 998 provides for the application of stronger civil monetary penalties for violations of approved risk evaluation and mitigation strategies.

While significant monetary penalties may be imposed under the House bill for continuous violations, the minimum penalty for a violation under the Senate bill would be higher because of my amendment. We need to make sure that we're giving FDA, the watchdog, some bite to go with the bark. If monetary penalties are nothing more than the cost of doing business, you won't change behavior. More importantly, you can't deter intentional bad behavior.

In closing, I would like to thank Senators KENNEDY and ENZI and Congressmen DINGELL and BARTON for their tremendous efforts on these bills. We have an opportunity to reform, improve, and reestablish the FDA as the gold standard for drug safety. If Congress is going to make meaningful changes to the FDA to increase transparency and accountability, it is critical that the provisions I have discussed today make it into the bill that comes out of conference. To do less would deny the American people safer drugs when they reach into their medicine cabinets.

HONORING THE PRESIDENT OF THE REPUBLIC OF CYPRUS

Mr. BAYH. Mr. President, I believe that Members of the Senate and House of Representatives will be pleased that two of our distinguished former colleagues were this month honored by President of the Republic of Cyprus, Tassos Papadopoulos.

In ceremonies on July 3 at the Presidential Palace in Nicosia, the capital of Cyprus, President Papadopoulos bestowed on Senator Sarbanes and Congressman Brademas the Grand Cross of the Order of Makarios III.

John Brademas, who served for 22 years as Representative in Congress from the District centered in South Bend, IN, was author or coauthor of much of the legislation enacted during those years in support of schools, colleges, and universities; libraries and museums; the arts and the humanities. In his last 4 years, he was Majority Whip of the House of Representatives.

Paul Sarbanes served in the House of Representatives for 6 years and the Senate for 30 years. As chair of the Senate Committee on Banking and Urban Affairs, he was principal author of the Sarbanes-Oxley Act of 2002, to ensure integrity in corporate governance.

Both John Brademas and Paul Sarbanes were Rhodes scholars and so studied at Oxford University, from which both earned degrees. John Brademas also graduated from Harvard University and Paul Sarbanes from Princeton University and the Harvard Law School.

John Brademas was the first native-born American of Greek descent elected to Congress, House or Senate; Paul Sarbanes was the first Greek-American elected to the Senate. I note that his son, JOHN SARBANES, was last November in Maryland elected to Paul's former seat in the House of Representatives.

While in Nicosia, both former Senator Sarbanes and former Congressman Brademas also visited the HSPH-Cyprus International Initiative for the

Environment and Public Health, a program associated with the Harvard School of Public Health.

At this point in the RECORD, I ask unanimous consent that the remarks of President Papadopoulos of the Republic of Cyprus at the Presidential Palace, Nicosia, Cyprus, on July 3, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF PRESIDENT TASSOS PAPADOPOULOS OF THE REPUBLIC OF CYPRUS

Senator Sarbanes; Congressman Brademas; Your Eminence, Archbishop Chrysostomos; Your Eminence, Archbishop Demetrios; Ambassador Schlicher; distinguished friends and guests,

It gives me great pleasure to welcome you tonight at the Presidential Palace in order to pay tribute to two long-standing and unwavering supporters of the people of the whole of Cyprus, Senator Paul Sarbanes and Congressman John Brademas.

I have had the privilege of knowing both these distinguished gentlemen for many years and I consider them to be among the most ardent, tireless and unflinching supporters for the just cause of Cyprus in the United States.

Senator Sarbanes and Congressman Brademas ably represented the people in their respective constituencies for decades, as well as successfully advancing the aspirations and objectives of the Hellenic American Community. I can think of no other two people who have done more for the nurturing of closer bonds between the people of Cyprus and the United States of America. I have always held the view and have declared on several public occasions that the first loyalty of Americans of Greek origin is to their host country, the United States of America. When, however, the best interests of the United States and the rules of international law and practice are not incompatible with the special interests of Greece and of Cyprus, we hope and expect that they will lean towards and publicly remember their ethnic roots. Both gentlemen have admirably honoured these principles.

For all these reasons, the Government of the Republic of Cyprus has decided to pay tribute to their life-long commitment to the Rule of Law, ''justice for Cyprus'', for the condemnation of the Turkish invasion of Cyprus, for the end of the occupation of Cyprus soil by Turkish troops, for the end of the massive violations of human rights in Cyprus by Turkey and for promoting a just, functional and lasting solution to the Cyprus issue.

JOHN BRADEMAS

John Brademas was born in Mishawaka, Indiana, of Greek parentage. He was elected to the United States Congress in 1958 as a Representative of Indiana's Third District, thus becoming the first U.S.-born Greek-American to be elected to the United States Congress and paving the way for, among others, Paul Sarbanes, Paul Tsongas and Mike Bilirakis.

He represented his district for twenty-two years (1959–1981), the last four as Majority Whip for the Democratic Party. Upon leaving Congress, Dr. Brademas served as President of New York University from 1981 to 1992 and has since been President Emeritus. He has been integral in establishing a close-knit relationship between Cyprus and New York University, examples of which are the current excavations in Yeronisos under Professor Joan Connelly and the Cyprus Global Professorship on History and Theory of Justice, which I will have the honour of inaugurating in September.

PAUL SARBANES

Paul Sarbanes was born in Salisbury, Maryland, of Greek parents. After serving in the Maryland House of Delegates for four years, he was elected to the United States Congress in 1970 and served in the House of Representatives for six years.

In 1976 he was elected to the United States Senate for the State of Maryland and was re-elected four more times, serving for a total of thirty years, before retiring this January. As Chair of the Senate Banking and Urban Affairs Committee in 2001–02, he was the main architect of the 2002 Sarbanes-Oxley Act, which effectuated one of the most significant changes to United States Securities laws in over 70 years.

As impressive as their domestic record, it is the steadfast support for the just cause of Cyprus of Senator Sarbanes and Congressman Brademas which brings us here today.

Immediately after the Turkish invasion of 1974, John Brademas and Paul Sarbanes, with the help of the late Congressman Benjamin Rosenthal of New York and Senator Thomas Eagleton of Missouri, who recently passed away, led the successful effort of enforcing an arms embargo against Turkey. As Dr. Brademas put it himself, Paul Sarbanes and he were not the Greek lobby, but the ''rule of law lobby''.

This last notion forms the cornerstone of their support towards Cyprus. Both men have for many years advocated for a just solution to the Cyprus problem, not only because it is a Hellenic issue, but because it is essentially a rule of law and human rights issue, under United States law. Only a solution based on the relevant Security Council Resolutions and in accordance with the principles of international law, as well as the Acquis Communautaire of the European Union, can secure a permanent, viable and stable solution, which will benefit all Cypriots. Such a solution, which is not tailor-made for the satisfaction of outside parties, will enhance the stability of the Eastern Mediterranean and is conducive to the interests of the United States.

THE RULE OF LAW

John Brademas and Paul Sarbanes consistently advanced the cause of Cyprus throughout their political careers. In so doing, they have been the embodiment of values cherished by America, such as the rule of law, respect for human rights and democratic governance, which are, alas, all too often swept aside for reasons of political expedience.

Tonight's honourees, have been exceptional leaders of the Greek-American Community. I would be remiss if I did not dedicate a few words towards the Hellenic diaspora in the United States. The President of the Cyprus Federation of America, Mr. Peter Papanicolaou, is amongst us today, so I take this opportunity to convey through him the sincere appreciation of the Cypriot people for the Community's tireless support and to urge you, dear Peter, to continue with your efforts until Cyprus is free and freely reunified, in its territory, society, institutions and economy.

I would also like to welcome again to Cyprus the spiritual leader of the community, His Eminence, Archbishop Demetrios, and to thank him for his efforts to stop the pillage and destruction of Cyprus' religious and cultural heritage in the occupied area.

Before I conclude my remarks, I wish to once again express the heartfelt gratitude and appreciation of the Government and people of Cyprus to Paul Sarbanes and John Brademas for their unwavering commitment, all these years, and to wish them the best of luck for all their future endeavors.

Mr. BAYH. Mr. President, at this point in the RECORD, I ask unanimous consent that the remarks of former Congressman Brademas on this occasion be printed in the RECORD. Senator Sarbanes responded extemporaneously on this occasion.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS OF DR. JOHN BRADEMAS PRESIDENT EMERITUS, NEW YORK UNIVERSITY AND FORMER MEMBER, INDIANA, 1959–1981, UNITED STATES HOUSE OF REPRESENTATIVES

President Papadopoulos; Your Eminence, Archbishop Chrysostomos; Your Eminence, Archbishop Demetrios; Ambassador Schlicher; distinguished guests and friends all, I want to express to you, Mr. President, my deepest appreciation for the high honor that you do my colleague and valued friend, Senator Paul Sarbanes, and me with the award of the Grand Cross of the Order of Makarios III.

I want to recognize as well Dr. Phillip Mitsis, Alexander S. Onassis Professor of Hellenic Culture and Civilization and Professor of Classics at New York University, and his wife, Sophia Kalantzakos, a Member of the Parliament of Greece.

Let me here also thank the distinguished Ambassador of the United States to the Republic of Cyprus, His Excellency, Ronald L. Schlicher, for having this week so graciously received Senator and Mrs. Sarbanes, my wife and me.

It was nearly one year ago, on September 8, 2006, that I had the privilege of welcoming to New York University the distinguished President of the Republic of Cyprus, His Excellency, Tassos Papadopoulos, and now I am pleased to be in the country he so faithfully serves as leader.

I hope, Mr. President, and ladies and gentlemen, you will allow me a few words to say why this honor is so meaningful to me.

As most of you know, I am the first native-born American of Greek origin elected to the Congress of the United States—my late father was born in Kalamata.

I was for 22 years a Member of the House of Representatives, from the State of Indiana.

In Congress, I was a member of the committee with responsibility for education legislation and so helped write all the laws enacted during those two decades and two years to support schools, colleges and universities; libraries and museums; the arts and the humanities. And in my last four years, I served as the Majority Whip of the House of Representatives, part of the Leadership of the Democratic Party.

In 1981 I became president of New York University or, as we call it, NYU, the largest private university in my country. I am now president emeritus.

SENATOR PAUL SARBANES

I am so pleased that my distinguished friend, United States Senator Paul Sarbanes of Maryland, is here with his lovely wife, Christine, and am, of course, delighted that my brilliant and beautiful physician wife, Mary Ellen, has joined me for this ceremony.

And I want to thank my dear cousin, Anna Bredima-Savopoulou, Counsel for the Union of Greek Shipowners, for having flown here from Athens to be on hand for this ceremony. I am very proud of Anna's accomplishments.

Paul Sarbanes, as you know, for many years a leading member of the United States Senate and, indeed, the first Greek-American elected to the Senate, and a valued ally in the struggle for justice for Cyprus, is someone I have often described as ''a modern Pericles''.

I am delighted that Paul's son, John Sarbanes, was last November elected to represent Paul's former constituency in the

House of Representatives even as I'm pleased to say that only a few weeks ago, Michael Sarbanes, another son of Paul and Christine, has announced his candidacy for the presidency of the City Council of Baltimore. Obviously, politics runs in the Sarbanes family!

I'm glad, too, to welcome some other friends from my days in Washington, including the distinguished former Ambassador of Cyprus to the United States, Andreas Jacovides, and his wife, Pamela, as well as two great champions of the Hellenic cause in my country and, indeed, the world, Andrew Athens and Andrew Manatos.

I'm pleased also that two vigorous voices of the Cypriot community in the United States are here today, Phillip Christopher and Panicos Papanicolaou.

I'm glad as well to greet a colleague from New York University, an outstanding scholar, Professor Joan Breton Connelly, leader of the excavation of Yeronisos Island and of an international team there. Professor Connelly has just published a magnificent book, Portrait of a Priestess: Women and Ritual in Ancient Greece, which has won splendid reviews in the New York Times and New York Review of Books.

And I must salute that eminent archaeologist, Professor Vassos Karageorghis, director of the Anastasios G. Leventis Foundation.

LINKS WITH CYPRUS

I have still other links with Cyprus.

I serve on the international advisory counsel of The Pharos Trust, that splendid chamber of cultural activity in Cyprus, led by Garo Keheyan. And as a graduate of Harvard University, I'm pleased also to serve on the Executive Council of the Cyprus International Initiative for the Environment and Public Health—Harvard School of Public Health. And as I'm recalling connections, I'm glad again to see a respected Cypriot businessman, George Paraskevaides, and his wife, Thelma.

Tonight I recall that it was nearly ten years ago in June of 1998, that I had the privilege of visiting the University of Cyprus and being received by its distinguished Rector, Professor Dr. Miltiades Chacholiades, and of addressing members of the Cyprus Chamber of Commerce & Industry and Cyprus American Business Association.

Of course, particularly meaningful, all the more so in light of the decoration Paul Sarbanes and I are today receiving, is the trip Paul and I made in August 1977 when we came here for the funeral of the great leader of the Cypriot people, His Eminence, Archbishop Makarios.

The connection, however, with Cyprus of which some of you may be most aware is the one of which I shall say a few words now.

In 1967, when a group of Greek colonels overthrew young King Constantine of Greece, I, the only Greek-American in Congress, sharply attacked the coup. I refused to visit Greece or go to the Greek Embassy in Washington and I publicly opposed U.S. military aid to Greece, arguing that as Greece was a member of NATO, which championed freedom, democracy and the rule of law, none of which values the Greek military junta supported, the United States should not be sending them arms.

TURKISH INVASION OF CYPRUS

In July 1974, the junta attempted to overthrow Archbishop Makarios, President of Cyprus, an action that brought the downfall of the colonels but also triggered two invasions of Cyprus by Turkish armed forces, forces equipped with weapons supplied by the United States, a legal ''No-No''.

So I led a group of several Members of the House of Representatives, including then Representative Sarbanes, to call on the Secretary of State, Henry Kissinger, and we told him that as American law mandated an immediate halt to further shipment of arms to any country using American weapons for other than defensive purposes, he should enforce the law and impose an embargo on further U.S. arms to Turkey.

As this was the same week that Richard Nixon resigned the presidency, I reminded Secretary Kissinger that the reason Mr. Nixon was on his way in exile to California was that he had not respected the laws of the land or the Constitution of the United States.

''You should do so,'' I told Kissinger.

He and the new President, Gerald R. Ford, refused to enforce the law, and, therefore, we in Congress did.

I remind you that the United States has a separation-of-powers constitutional system, not a parliamentary system! So in 1974, Congress voted an embargo on sending further American weapons to Turkey. As I have from time to time heard criticisms, in respect of the role of ''the Greek lobby'' in Congress, I observe that when we voted the embargo on further U.S. arms to Turkey, there were only five of us of Greek origin in Congress, all in the House of Representatives: John Brademas, Paul Sarbanes, Peter Kyros, Gus Yatron—all Democrats, all of whom supported the embargo—and one Republican, Skip Bafalis, who voted against it. There were at that time no Americans of Greek descent in the Senate.

Accordingly, this so-called ''Greek lobby'' was effective because of the validity of our arguments and, if I may say so, of our work to generate support for our position not only among Greek-Americans across the country but among other Americans who shared our views.

''THE RULE OF LAW LOBBY''

We were ''The Rule of Law Lobby''!

I shall not here take time to review with you my subsequent experience when President Jimmy Carter, to my distress, as I generally supported his Administration, called on Congress to support lifting the embargo on Turkey despite the fact that there had been no action to resolve the Cyprus question.

Here I must pay tribute to my friend of many years, Costa Carras, founder in London of ''Friends of Cyprus'' who has continued to call attention to the issue that concerns us all—justice for Cyprus. In my view, finding a just resolution for Cyprus is an indispensable requirement as the European Union considers the application for membership of Turkey even as I believe there are other commitments Turkey must make if it wishes to join the EU.

First, of course, is that Turkey comply with the so-called Copenhagen criteria, which include respect for minorities, respect for human rights, respect for decent treatment of peoples.

Certainly it is not rational that a European Union member-state militarily occupy another EU member-state, and Cyprus is now a member of the European Union.

As today there are over 40,000 Turkish armed forces in Cyprus, their continued presence, if Turkey were in the European Union, would be an offense to common sense.

I add that there are an estimated 160,000 Turkish settlers in northern Cyprus while there are only 100,000 Turkish Cypriots!

A second point: It is also unreasonable for one member of the European Union to refuse to give diplomatic recognition to the existence of another member, and as we all know, Turkey has refused to recognize the Republic of Cyprus.

So these then are two of the conditions—removal of Turkish troops and diplomatic recognition of Cyprus—that it seems to me must be met by the Government of Turkey as it seeks to join the European Union and take advantage of the benefits of such membership.

If a just settlement on Cyprus is one issue related to Turkey's desire to join the European Union, there is another of which I shall say a word.

ATTACKS ON ECUMENICAL PATRIARCHATE

Three years ago, His Eminence, Archbishop Demetrios, Primate of the Greek Orthodox Church in America, testified on Capitol Hill before the United States Helsinki Commission. His Eminence and religious leaders of other traditions voiced their concern about the systematic efforts on the part of Turkey to undermine the Orthodox Church and the Ecumenical Patriarchate.

I cite, by way of example, the expropriation by Turkish authorities of properties of Christian Orthodox communities, the refusal by the Turkish Government to accord recognition as a legal entity to the Ecumenical Patriarchate, the shutdown of the Halki School of Theology and other attacks on religious minorities—Greek Orthodox, Armenian Orthodox, Roman Catholics, Jews.

For an impressive analysis of Turkish persecution of religious minorities, I refer you to the report issued only in May of this year by the United States Commission on International Religious Freedom.

And I could add the powerful statement on religious freedom made by Congressman Tom Lantos of California, chairman of the Committee on Foreign Affairs of the United States House of Representatives, also last May. Chairman Lantos sent a letter to Turkish Prime Minister Erdogan urging him to take several steps to liberalize Turkey's policies toward the Ecumenical Patriarchate, once and for all.

Forty-two of Chairman Lantos' Committee colleagues, Democrats and Republicans, signed the letter urging the Turkish Government to stop trying to bully the Ecumenical Patriarchate into extinction.

You here better than I can speak of the desecration of Greek Orthodox churches in Turkish-occupied Cyprus.

Let me conclude. As one who in the year 2001, in an address at the Bosphorous University in Turkey, said that I wanted to see a democratic Turkey, Turkey part of Europe and Turkey in the European Union, provided that country comply with the Copenhagen criteria, including respect for human rights, I must tell you that in 1974, when Paul Sarbanes, our colleagues and I in Congress voted an embargo on further American arms to Turkey, we made clear that for us this decision was a matter of respecting the rule of law—a point I have made earlier.

Paul Sarbanes and I, to repeat, were leaders of ''The Rule of Law Lobby''!

Paul Sarbanes and I and many of our former colleagues in Congress—and I regret that I cannot include the present President of the United States in this regard—will continue to call on respect for the laws of our own country even as we will continue to urge justice for the brave people of Cyprus.

President Papadopoulos, thank you again for the great honor that you do Senator Sarbanes and me.

LANDMINES IN COLOMBIA

Mr. LEAHY. Mr. President, the people of Colombia have endured decades of civil conflict characterized by widespread killings and disappearances of civilians perpetrated by rebel groups and paramilitary death squads, sometimes with the active participation of government security forces. In recent

years, both rebels and paramilitaries have financed their illegal activities through the sale of cocaine, which has also corrupted government institutions.

Each year since the inception of Plan Colombia, the United States has provided Colombia with more than half a billion dollars in mostly military and counter-drug assistance, totaling more than $5 billion.

The primary goal of Plan Colombia, at least as sold to the Congress, was to decrease by half the amount of coca produced, resulting in commensurate reductions in the income derived from cocaine to the rebels and paramilitaries and the amount of cocaine entering the United States.

While there is no reliable evidence that Plan Colombia has affected either the price or availability of cocaine in the United States, the Office of National Drug Control Policy reports that profits from illegal drugs to the FARC rebels declined by about one-third between 2003 and 2005. This is welcome news. But whether this trend has continued since then or has ebbed and flowed like most other statistics relating to drug cultivation and trafficking in Colombia, is unknown. Unfortunately, it is also not yet apparent that this reported reduction in profits has affected the FARC's ability to operate.

While the majority of killings of civilians during the 7 years of Plan Colombia are attributed to paramilitaries, sometimes with the active or tacit support of government forces, the FARC has engaged in many atrocities, including attacks against civilian targets and kidnapping. But perhaps the most insidious of their crimes is the widespread use of landmines.

According to a report released yesterday by Human Rights Watch, casualties from landmines used by the FARC, as well as by another rebel group known as the ELN, have risen steadily in recent years. As is so often the case with landmines which are triggered indiscriminately by the victim, most of the casualties in Colombia have been civilians.

While the number of casualties did not exceed 148 a year in the 1990s, Human Rights Watch reports that last year the number was 1,107. This increase contrasts sharply with the worldwide decline in the use of these insidious weapons. In fact, Colombia is among the more than 150 nations that have signed or ratified the international treaty banning antipersonnel mines.

According to press reports, the FARC defends its use of mines by claiming that they are used only against government security forces, not civilians. That, however, is a specious claim, since mines are inherently indiscriminate. They will kill or maim whoever comes into contact with them, often months or years after they are laid. I have seen photographs of the horrific injuries suffered by both government soldiers and innocent civilians from rebel mines.

While the FARC, like others who continue to use landmines, would undoubtedly claim that their military utility justifies their continued use, I reject that argument. The harm to civilians and the contamination of the countryside caused by mines cannot be justified.

While there are programs to assist Colombia's mine victims with rehabilitation and vocational training, they are far from adequate. I have supported efforts to increase U.S. assistance. We are looking at ways to use the Leahy War Victims Fund to assist Colombian civilians who have been injured by mines, and we are supporting United for Colombia's efforts to obtain surgery in the U.S. for Colombian soldiers who have suffered grievous mine injuries.

I have been a consistent critic of human rights violations in Colombia where impunity remains a persistent problem. There have been thousands of killings of civilians, including of human rights defenders, union members, journalists, and others who have been targeted by one armed group or another. Hardly any of these crimes have resulted in convictions and punishment. But none of that excuses the continued use of landmines by the FARC and ELN. As I have said many times before, the use of landmines should be a war crime. It is barbaric; it is inhumane; it is indefensible.

INTERNATIONAL COMMISSION AGAINST IMPUNITY IN GUATEMALA

Mr. LEAHY. Mr. President, last week, I spoke in this Chamber about the current debate underway in Guatemala concerning the International Commission Against Impunity in Guatemala, CICIG. In my brief remarks I recalled the 30 years of civil war that caused widespread atrocities against civilians, particularly Guatemala's Mayan population. A substantial majority of those killings and disappearances were perpetrated by Guatemalan security forces.

Since the signing of the Peace Accords in 1996, most Guatemalans have tried to put the past behind them and rebuild their country. The United States and other donors have supported that effort.

But key aspects of the Peace Accords remain unfulfilled, and there has been no justice for the families of the war's many victims. Meanwhile, gang violence, drug trafficking, brutal killings of women, and attacks against human rights defenders and others who speak out against corruption and impunity have increased exponentially and threaten the very foundations of Guatemala's fragile democracy.

In recent years, the Guatemalan Government has worked with officials of the United Nations to draft the CICIG agreement, the latest version of which has been upheld by Guatemala's constitutional court.

The CICIG is necessary to expose the truth about clandestine groups and to bring accountability for the violence. Far from weakening national sovereignty, CICIG will support Guatemala by helping to strengthen the capacity of the country's dysfunctional judicial system.

On July 18, a majority of members of the International Relations Committee of the Guatemalan Congress, for reasons that only they can explain, voted against the CICIG agreement. Since then, several have changed their votes and I understand that on August 1 the full Congress will approve or reject the CICIG agreement or refer it to another committee.

The question of whether to approve CICIG is, of course, a decision solely for Guatemala's Congress to make. But the importance of this historic decision cannot be overstated for U.S.-Guatemalan relations and for Guatemala's future.

Guatemala, like many impoverished countries emerging from years of civil conflict, faces immense social, economic and political challenges. Without the support of countries like the United States in building its economy, promoting foreign investment and trade, and strengthening the institutions of democracy, Guatemala will lag behind its neighbors.

Today, that support hangs in the balance.

The Bush administration has voiced strong support for CICIG. The U.S. Congress has linked a resumption of U.S. assistance for the Guatemalan Armed Forces, in part, on approval of CICIG. In addition, I would be reluctant to support assistance for Guatemala to take part in any regional security initiative with the United States, unless CICIG is approved and supported. There is little point in trying to work with a government that fails to demonstrate a strong commitment to ending impunity and to combating gang violence and corruption, which have infiltrated the very institutions that would participate in such a strategy.

CICIG is nothing less than a choice between the past and the future. Rejecting this historic initiative an outcome most Americans would find inexplicable would signal that the Guatemalan Congress is more interested in protecting the forces of evil, and in covering up the truth, than in ending the lawlessness that is taking Guatemala backwards.

INTERNALLY DISPLACED PERSONS IN COLOMBIA

Mr. LEAHY. Mr. President, at a time when we are focused on the chaos in Iraq and the flood of Iraqis who have fled their homes and are living either as displaced persons in Iraq or as refugees in Jordan, Syria and elsewhere, I want to call attention to a humanitarian crisis in our own hemisphere.

In Colombia, a country of roughly 44 million people, over 3 million have

been internally displaced as a result of political and drug-related violence and the aerial spraying of chemical herbicides to eradicate coca. They are the second largest displaced population in the world after Darfur, Sudan. An average of 18,000 Colombians are uprooted every month, with more than 1 million forced to flee in the past 5 years alone, according to the United Nations High Commissioner for Refugees.

To put that in perspective, if the same ratio were applied to the United States, a country of roughly 300 million people, there would be over 20 million internally displaced Americans. That is a staggering number when you consider the burden they would place on public services and the environment. Colombia by comparison is a relatively poor country, and many of these people, the majority of whom are women and children, lack access to basic health care, sanitation, education, adequate shelter, or employment.

It is my understanding that Colombia has suitable laws for addressing the needs of the internally displaced, but the laws are too often ignored or poorly implemented. Insecurity and inadequate public services in isolated areas, where many of the displaced are located, hinder return to their homes and contribute to further displacement.

Recently, the House of Representatives passed a resolution calling on the Colombian Government and the international community to prioritize the needs of displaced persons, and recommending that the United States increase funding for emergency and long-term assistance.

The Senate version of the fiscal year 2008 State-Foreign Operations bill provides $40 million for assistance for displaced persons in Colombia. This is a $5 million increase above the President's budget request, which was woefully inadequate. As the White House urges Congress to continue funding aerial eradication programs which, despite billions of dollars, have failed to make an appreciable dent in the amount of coca under cultivation, one would like to think that at some point they will exhibit the same zeal for meeting the basic needs of Colombia's most vulnerable people.

RETIREMENT OF DAVID DEMAG

Mr. LEAHY. Mr. President, I wish to take a moment to recognize the career of a real-life hero who stands tall as one of the bravest and most dedicated public servants we have in Vermont if not anywhere—Police Chief David Demag of the town of Essex Police Department. After 36 years in law enforcement, Dave will hang up his uniform early next month and enter a well-earned retirement.

Dave comes from a family dedicated to police service—he is the fourth generation in his family to serve as a police officer. In fact, his great-grandfather and namesake, Chief David Demag, was the first chief of police of the Village of Essex in the early 1900s. It seems to me that it is only fitting that Dave will finish his law enforcement career in Essex, where his roots grow deep.

I am proud to be able to call Dave not only an accomplished Vermonter but also a good friend. We have known each other for years, having both started our careers in law enforcement in the city of Burlington. Dave began in 1971 as a patrol officer for the Burlington Police Department, and was promoted through the ranks as corporal, detective, sergeant, lieutenant and, finally, commander. In 1996, he was appointed chief of police in St. Albans, a post he held until May 2001, when he was named to Chief of Police in Essex.

When he began his law enforcement career in the early 1970s, Dave worked undercover on drug cases. One of the cases we worked together on—he as an undercover agent and me as the State's attorney for Chittenden County—set up a successful sting to catch Paul Lawrence, a corrupt cop who framed dozens of narcotics suspects. The Lawrence case remains the first item Dave cites as the most memorable moments of his professional life.

Known for his ability to earn and command respect from his employees and the public he serves, Chief Demag has led the Essex Police Department with a steady hand and a calm presence. He is credited with revitalizing the Essex Police Department and changing the way it trains and promotes officers. As chief, he has emphasized continuing education for members of the force and required promotions to be based on ability rather than length of service.

Dave's leadership was especially apparent last August when a gunman went on a shooting spree at three sites across Essex, including an elementary school, leaving two dead and three wounded, including the gunman himself. Taking swift and deliberate action, Dave and his officers ushered dozens of teachers and several children away from the chaos at Essex Elementary School and to safety as tactical-response officers wearing body armor and carrying automatic weapons moved in and surrounded the building.

As a U.S. Senator, I have been privileged to work with Chief Demag and have his vocal support on an array of initiatives—from bulletproof vests to first responder funding—that have helped make the lives and work of Vermont's and our Nation's police officers a bit easier. But what stands out most in my mind is his unwavering support for the Hometown Heroes Survivors Benefits Act, which became law in 2003 and expanded the Public Safety Officer Benefits, PSOB, Program by allowing survivors of public safety officers who suffer fatal heart attacks or strokes while acting in the line of duty to qualify for the Federal survivor benefits. Dave understood how important it was for that bill to become law because his father, special Deputy Sheriff Bernard Demag of the Chittenden County Sheriff's Office, suffered a fatal heart attack within 2 hours of his chase and apprehension of an escaped juvenile whom he had been transporting. The Demag family spent nearly two decades fighting in court for workers' compensation death benefits to no avail. What Dave and his family went through left no doubt in my mind that we should be treating the surviving families of officers who die in the line of duty with more decency and respect. Although Dave knew that his family would not receive survivor benefits under the PSOB law, he did not want other survivors of public safety officers to endure what his family suffered. It was a great day when I told Dave that the Hometown Heroes Act had finally been signed into law.

In 2001, Chief Demag was appointed on my recommendation to serve on the 11-member U.S. Medal of Valor Review Board, which selects and recommends to the President public safety officers to receive the Public Safety Officer Medal of Valor. The Medal of Valor is the highest national award for valor by a public safety officer and is designed to recognize the extraordinary heroism of our police, firefighters and correctional officers. As a board member, Dave has worked faithfully to award the medal to his public safety officers who demonstrate extraordinary valor above and beyond the call of duty.

I wish Dave and his wife Donna nothing but the best as they head into the next phase of their life together. I will say, however, that whoever Essex appoints as its next police chief will have the biggest of shoes to fill, as Dave Demag is the best kind of leader a community can hope for and he will be missed. Thank you, Dave, and congratulations for your service and commitment to the people of Essex and all Vermonters.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IRAN DIVESTMENT

• Mr. OBAMA. Mr. President, I want to bring to the attention of the Senate an important article that appeared in today's Baltimore Sun. It describes the progress States are making in passing laws that divest their pension funds of companies that invest heavily in Iran's oil and gas industry. As highlighted in the article, Florida enacted a significant law along these lines, and other States, including my State of Illinois, are on the verge of doing so.

The need for these laws is clear. Iran uses the revenue it generates from its energy sector to finance its pursuit of nuclear weapons and support for terrorist groups like Hezbollah and Hamas. Along with a sustained diplomatic effort and toughened multilateral sanctions on Iran, divestment is a

useful tool that State and local governments can use to increase economic pressure to persuade Iran to end its dangerous policies.

But, as the article points out, past Supreme Court decisions have called into question whether States have the constitutional authority to pass such laws. For that reason, Congress needs to pass the Iran Sanctions Enabling Act, S. 1430, which I introduced in May. This bill would clarify that States have the authority to pass divestment legislation with respect to Iran, and it would provide information from the Federal Government to make it easier for them to do so. I am proud that 14 of my colleagues have cosponsored this bill so far, but Iran's seemingly unbridled drive for nuclear weapons makes this a matter of considerable urgency. I urge the rest of my colleagues to join us in working to pass this legislation without delay.

I ask unanimous consent that the article in today's Baltimore Sun be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From baltimoresun.com, July 26, 2007]

LET STATES DIVEST FROM IRAN

(By Jonathan Schanzer and Howard Slugh)

Last month, Florida Gov. Charlie Crist signed a bill ordering his state to divest its pension fund from businesses that work with Iran's energy sector. The legislation, led by Adam Hasner, Republican majority leader of Florida's House of Representatives, passed unanimously in both chambers of the Legislature.

Unfortunately, the state legislation is unconstitutional. Only new federal legislation can legally allow states to divest from Iran.

In 1996, Massachusetts restricted state businesses from working with companies that dealt with Myanmar, formerly called Burma. Massachusetts sought to press Myanmar's military junta to take steps toward democracy and provide better treatment for dissidents. In 2000, the Supreme Court unanimously struck down the Massachusetts law in Crosby v. National Foreign Trade Council.

The problem was that the state legislation conflicted with a federal statute that enabled the president to impose sanctions on Myanmar. The court argued that the president ''has less to offer and less economic and diplomatic leverage as a consequence'' of the Massachusetts law. According to the Constitution's supremacy clause, federal sanctions must trump state law.

Florida's sanctions against Iran could face a similar fate. Under federal law, only Congress and the president can implement federal tools—such as the Iran Freedom Support Act—to deter Iran from nuclear proliferation and terrorism. As in the Myanmar case, the Florida divestment plan conflicts with federal sanctions.

Florida has attempted to distinguish its statute from Massachusetts' by adding wording claiming that the law aims to lower fiduciary risk, not create an alternate foreign policy. But just because a state claims its law doesn't conflict with federal law doesn't make it so. The Florida law could be struck down if challenged—unless Congress does the right thing.

The House and Senate are considering the Iran Sanctions Enabling Act to authorize states to pass divestment laws aimed at Iran's energy sector. The bill would cure any constitutional conflict. It would integrate the state sanctions as an element of congressional sanctions, rather than leaving them outside the congressional framework.

Broad bipartisan support of this bill is a sign that Congress sees sanctions—on both the state and federal levels as an important tool to weaken Iran. It also shows that Congress understands that divestment is a tool that Americans broadly support. Indeed, the growing ''terror-free investing'' movement is gaining traction nationwide. It echoes grassroots efforts to divest from South Africa in the 1980s, which eventually brought the apartheid regime to its knees.

Despite the bill's wide popularity, some in Washington oppose it. William Reinsch, former commerce undersecretary in the Clinton administration and current president of the National Foreign Trade Council, claims that ''a unified U.S. foreign policy—not multiple state sanctions or divestment laws—is best suited to address'' the Iran challenge. Those who join Mr. Reinsch in opposing the bill claim that divestment would create economic tensions with our allies, making it more difficult to act multilaterally.

Opponents of the bill fail to understand that the lack of enforcement of federal sanctions in the past is exactly why the American people have taken matters into their own hands. They have lobbied their state legislatures because they want to punish Iran. They do not care whether their states offend our allies who continue to do business with Iran.

A handful of states are considering their own divestment bills, including Maryland, where Del. Ron George, an Anne Arundel County Republican, has proposed legislation that would bar the state pension fund from investing in companies tied to Iran. Other states are weighing different divestment options. In Ohio, state Rep. Josh Mandel reports that he and his colleagues led an effort for ''state pension funds to divest the retirement dollars of policemen, firefighters and teachers from an Iranian regime that is calling for the destruction of America and Israel.''

The House and Senate have deliberated over the Iran Sanctions Enabling Act since May. It is imperative that Congress pass the bill quickly, to ensure that these state efforts are constitutional.

This is an effective way to push Iran to cease developing nuclear weapons and to encumber its efforts to support terrorism.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

COMMON ARTICLE 3

• Mr. OBAMA. Mr. President, like much of the Senate, I was taken aback to hear what the Attorney General had to say—and what he refused to say—before the Judiciary Committee this week. It is the latest in an effort to obfuscate and avoid accountability on issues of vital importance to this country's well being.

I fear the same was true on Friday, when the President signed an Executive order on Geneva Conventions Common Article 3 as Applied to a Program of Detention and Interrogation.

A year and a half ago, the Congress overwhelmingly adopted the McCain amendment to ensure that no prisoner in our Nation's custody is ever subjected to torture or cruel treatment. Since then, all agencies of our Government have been abiding by the humane and professional standards in the U.S. Army's Field Manual on interrogation, and getting, by the administration's own account, excellent intelligence in the war on terror.

I am deeply concerned that President Bush may now be trying to reopen the door to cruelty that Congress shut. While the Executive order appears to rule out unlawful treatment, the administration has said that the order allows the CIA to resume at least some elements of its ''enhanced interrogation'' program, and to use methods beyond those that our military employs. The administration still refuses to rule out torture techniques such as water boarding.

As our own military leadership repeatedly warns, if we say we can lawfully use an interrogation technique on enemy prisoners, what is there to prevent our enemies from employing the same interrogation technique on captured American military personnel? On Sunday, Director of National Intelligence Admiral McConnell acknowledged that the CIA can now use techniques to which he would not want to see American citizens subjected.

A policy that permits cruel and inhumane treatment at the hands of any U.S. Government personnel—whether referred to as ''enhanced interrogation'' techniques or any other name—is simply counterproductive to an effective war against terrorists. As General Petraeus put it in his recent directive to those under his command in Iraq:

> Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.

These words are no less applicable to practices of the CIA.

Beyond the fact that they are neither useful nor necessary, torture and cruel and inhumane treatment of those in U.S. custody diminish the moral authority our country needs to wage an effective war against terrorists, and are simply used by al-Qaida as a recruitment tool to enlist more enemies faster than we can take them off the battlefield.

Every agency of our Government should be held to the same interrogation standards that our military lives and swears by. No one should be subject to treatment that would outrage us if inflicted on an American. Whenever America has been threatened in the past, there has been a divide in our country between those who believe that our liberties and laws make us weaker, and those who believe they make us stronger. I believe that our commitment to the rule of law is our greatest strength. We will win this war as we have won every great conflict in our history—by staying true to who we are and to the values that distinguish us from our enemies.•

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

IMPROVING EMERGENCY MEDICAL CARE AND RESPONSE ACT

• Mr. OBAMA. Mr. President, today I wish to discuss the Improving Emergency Medical Care and Response Act of 2007, which I introduced yesterday. I am joined in this effort by Representative HENRY WAXMAN, who introduced a companion bill in the House.

This bill focuses on improving communication systems used in emergency care response and provides financial support for research in emergency medicine. Disasters that strike our Nation, be it manmade or natural, can have catastrophic effects on the health and well-being of our citizens. The ability to provide adequate, timely health care following these ''sudden-impact'' events—or any emergency situation, for that matter—relies heavily on an effective and comprehensive emergency communication system. However, recent studies show that various emergency medical services throughout the country are struggling to efficiently handle just the day-to-day operations. Therefore, the concern is even greater when disaster does strike and the struggle becomes grossly amplified, ultimately exposing the gaps in our emergency care and response infrastructure. There was no clearer example of this than the flawed response to the devastating effects of Hurricane Katrina in 2005.

Patients waiting in the emergency department, ED, for extended periods of time or, potentially worse, patients leaving the ED before medical evaluation because of these long wait-times are both strong indicators that improved strategies and systems are needed to reduce the burden on our emergency medical services across the country. Extended offloading times and diversion of ambulances are also contributing factors to a slow emergency response, which can have a fatal impact on prehospital care. Unfortunately, we do not have to look far to see what tragedies will come from not addressing these issues. In fact, just months ago, tragedy struck Edith Isabel Rodriguez, a Los Angeles woman who made national headlines after she was ignored by hospital personnel, dismissed by 9–1-1 dispatchers, and denied immediate care despite vomiting blood and writhing in pain for 45 minutes until she died. How does this happen in a country that boasts one of the highest standards of living of any nation in the world? Ms. Rodriguez's death is unacceptable and is a harrowing reminder of the ultimate penalty our citizens are paying for a fractured emergency care system.

For these reasons, my bill establishes demonstration programs designed to coordinate emergency medical services, expand communication and patient-tracking systems, and implement a regionalized data management system. The types of information garnered from such demonstration programs will contain vital information such as the impact of emergency care systems on patient outcomes, program efficiency, financial impact, and identification of remaining barriers to developing regionalized, accountable emergency care systems. Of equal importance is the bill's support for research in the field of emergency medicine and emergency medical care systems. Specifically, funds are requested to support research in the basic science of emergency medicine, model of service delivery, and incorporation of basic scientific research into day-to-day practice.

Improving and identifying the best practices of emergency medical care is necessary to ensure high-quality, efficient, and reliable care for all who need it. I ask my fellow colleagues to support this legislation so that we can better prepare for emergencies and future disasters.•

BOSTON CELTICS ''HEROES AMONG US'' AWARDS 2007

Mr. KENNEDY. Mr. President, all of us in Massachusetts are proud of the Boston Celtics. The team is one of the most storied franchises in NBA history, and its players are also impressive leaders in the community. Each year, the Celtics honor outstanding persons in New England as ''Heroes Among Us''—men and women who have made an especially significant impact on the lives of others.

The award, now in its 10th year, recognizes men and women who stand tall in service to their community. The extraordinary achievements of this year's honorees include saving lives, sacrificing for others, overcoming obstacles to achieve goals, and lifelong commitments to improving the lives of those around them. The winners include persons of all ages and all walks of life—students, community leaders, founders of nonprofit organizations, member of the clergy, and many others.

At home games during the season each year, the Celtics and their fans salute the efforts of various honorees in special presentation to them on the basketball court. So far, over 500 persons have received the ''Heroes Among Us'' award during the past decade.

The award has become one of the most widely recognized honors in New England. I commend each of the honorees for the 2006 to 2007 season, and I ask unanimous consent to have their names, their achievements, and their communities printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HERO AMONG US AWARD RECIPIENTS 2006–2007

Arnold ''Red'' Auerbach (Boston, MA) founded the Red Auerbach Youth Foundation in 1985 to encourage the healthy development of children.

Ayman Kafel (Sharon, MA) as a member of the Massachusetts National Guard, served on the Military Police Headquarters' Task Force and later on the Protective Service Security Squad during his one year tour in Iraq.

David Youngerman (Hudson, MA) was chosen to be the Child Ambassador for this year's Miles for Miracles Walk for his recovery from Moyamoya Disease.

Catherine Pisacane (Hopedale, MA) is the founder and executive director of Project Smile, a non-profit organization that collects stuffed animals for police officers, fire fighters and paramedics to give to children.

Helen Ford (Cambridge, MA) worked 28 years in security for the Cambridge School Department.

Eric Christopher (Melrose, MA) has been with the Gloucester Fire Department for 8 years and in January went into a fire without protective gear to save the life of a woman trapped in a blaze.

Lawanda Myrick (Dorchester, MA) has been a committed parent, employee and advocate for the Massachusetts Society for the Prevention of Cruelty to Children.

Lynn Dadekian (Worcester, MA) volunteered to donate her liver for a chance for her ailing father to live.

Robbie and Brittany Bergquist (Norwell, MA) started the ''Cell Phones for Soldiers'' campaign, which has collected over $1,000,000 and has sent more than 80,000 calling cards to troops in the Middle East.

Corp. Gregory M. Chartier (East Templeton, MA) upon returning from Afghanistan, volunteered to be deployed to Iraq to help create a local police force.

Brian Binette (Saco, ME) was born with cerebral palsy, but has overcome this challenge and will begin a career at the Saco Island School in Maine as a mentor, assistant teacher and head of the school's monthly newsletter.

Clementina Chery (Dorchester, MA) cofounded the Louis D. Brown Peace Institute and also founded the Mothers' Walk for Peace, an annual walk now in its tenth year.

Benjamin Smith (Springfield, MA) is the executive director of Dream Studios Inc., to introduce urban youth to the performing arts and provide mentoring to strengthen their academic skills.

Alan Borgal (Boston, MA) has spent the last 31 years with the Animal Rescue League of Boston, working tirelessly for the care and protection of animals.

Dick Arieta (Kingston, MA) has been the head basketball coach at Silver Lake Regional High School since 1970 and has instilled his values of sportsmanship, hard work and teamwork to all he has coached.

Dante Carroccia (Johnston, RI) singlehandedly assisted a man injured in an automobile accident and saved his life.

Helen Lamb (Boston, MA) founded ''Camp Jabberwocky'' in 1953, which has brought the simple joys of childhood to thousands of children with disabilities.

Seth Lampert (Sudbury, MA) earned the Volunteer of the Year Award from Easter Seals for his fundraising efforts for the annual Easter Seals Shootout.

Kevin Sullivan (Carver, MA) moved his truck to absorb the impact of a speeding truck heading directly towards a highway work crew and a police officer on duty, probably saving their lives.

Jennifer Putnam (Wellesley, MA) a volunteer for Horizons for Homeless Children, has spearheaded the preparation of annual feasts for hundreds of homeless children and their families.

Danny Vierra (Somerville, MA) is a Transit Police Officer who pulled a man from the railroad tracks before a speeding train could hit him.

Brooke Rallis (Hampton, NH) is one of only seven people to have overcome the type of

extreme spinal injury she suffered and has since dedicated her life to inspire others through the power of faith, courage, and tenacity.

Marilyn Smith (Medford, MA) has given foster care to over 70 children and was recognized as the Massachusetts Foster Parent of the Year.

Eric Weihenmayer (Amelia Island, FL) is the only blind person to have climbed the tallest peak on each of the seven continents. He also led a group of blind teenagers up Mount Everest, higher than any blind group had ever climbed before.

Rob McCormick (Norton, MA) a former Navy Rescue Swimmer, was driving home from work when he saw a house in flames and saved two people trapped inside.

Cheryl Durant (Mattapan, MA) is a foster mother who has taken in more than 25 teenage girls over the past 20 years.

Jason Schappert (Lakeville, MA), without regard for his own safety, crossed thin ice to rescue a man who had fallen into a freezing pond.

Ralph Marche (Tewksbury, MA) and Anthony Santilli (Woburn, MA) co-founded the New England Winter Sports Clinic for Disabled Veterans which enables these veterans to enjoy skiing and snowboarding despite their disabilities.

Carla Lynton (Brookline, MA) has spent more than 22,000 hours volunteering with the deaf-blind community at Perkins School for the Blind over the past 33 years.

Michael Dennehy (Newton, MA) was named the director of Boston University's Upward Bound program eight years ago and under his leadership, 95% of his students have pursued higher education.

Stefan Nathanson (Newton, MA) is the founder of The Room to Dream Foundation, a local charity whose mission is to create healing environments for children facing chronic and debilitating illnesses.

Dylan DeSilva (Brewster, MA) at age 12 founded ''Cape Cod Cares For Our Troops,'' which has sent over 1,500 care packages and raised over $40,000 for our soldiers in Iraq.

John Duffy (Winchester, MA) since 1997 has taken students to Peru to install solar panels to provide power for medical clinics in remote villages.

John Gonsalves (Taunton, MA) is the president and founder of Homes for our Troops, which has collected over $10 million in donations to build adaptive homes for severely wounded veterans.

Sean Cronk (Everett, MA) overcame the challenge of being born with cerebral palsy and scored two critical free throws in Everett High School's league championship basketball game.

Kevin Whalen (Danvers, MA) raised money and donated three months of his salary to aid an Iraq veteran displaced by Hurricane Rita who gave birth to a premature baby that needed 24-hour care at Children's Hospital.

Officer Michael Briggs (Manchester, NH) a Manchester, NH police officer, was shot and killed while responding to a domestic disturbance call.

Rick Phelps (Hanson, MA) rushed into a burning house to save four girls trapped by a fire.

Kathy Savage (Revere, MA), a dedicated volunteer for Special Olympics of Massachusetts since 1985, was named Special Olympics Volunteer Medical Chair and has helped countless athletes to compete.

Billy Starr (Needham, MA) founded the Pan Mass Challenge with 35 friends in 1980, which has raised over $100 million for the Dana-Farber Cancer Institute.

Deborah Weaver (Cambridge, MA) is the founder and Executive Director of Girls LEAP, a free self-defense and safety-awareness program for girls aged 8–18 in low-income communities in Greater Boston.

17TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. KENNEDY. Mr. President, today we celebrate the enactment of the Americans with Disabilities Act, one of the great civil rights laws in the Nation's history. Seventeen years ago, Congress acted on the fundamental principle that people should be measured by what they can do, not what they can't do. The Americans with Disabilities Act began a new era of opportunity for millions of disabled citizens who had been denied full and fair participation in society.

For generations, people with disabilities were treated with pity and as persons who deserved charity, not opportunity. Out of ignorance, the Nation accepted discrimination for decades and yielded to fear and prejudice. The passage of the ADA finally ended these condescending and suffocating attitudes and widened the doors of opportunity for all people with disabilities.

The anniversary of this landmark legislation is a time to reflect on how far we have come in improving the ''real life'' possibilities for the Nation's 56 million people with disabilities. In fact, the seeds of action were planted long before 1990.

In 1932, the United States elected a disabled person to the highest office in the land, and he became one of the greatest Presidents in our history. But even Franklin Roosevelt felt compelled by the prejudice of his times to hide his disability as much as possible. The World War II generation began to change all that.

The 1940s and the 1950s introduced the Nation to a new class of Americans with disabilities—wounded and disabled veterans returning from war and finding a society grateful for their courage and sacrifice but relegating them to the sideline of the American dream. Even before the war ended, however, rehabilitation medicine had been born. Disability advocacy organizations began to grow. Disability benefits were added to Social Security. Each decade since then has brought significant new progress and more change.

In the 1960s, Congress responded with new architectural standards, so we could have a society everyone could be a part of. No one would have to wait outside a new building because they were disabled.

The 1970s convinced us that greater opportunities for fuller participation in society were possible for the disabled. Congress responded with a range of steps to improve the lives of people with mental disabilities as well. We supported the right of children with disabilities to attend public schools. We guaranteed the right of people with disabilities to vote in elections, and we insisted on greater access to cultural and recreational programs in their communities.

The 1980s brought a new realization, however, that in helping people with disabilities, we can't rely only on Government programs. We began to involve the private sector as well. We guaranteed fair housing opportunities for people with disabilities, required fair access to air travel, and made advances in technology available for people hard of hearing or deaf.

The crowning achievement of these decades of progress was passage of the Americans with Disabilities Act of 1990 and its promise of a new and better life for every disabled citizen in which their disabilities would no longer put an end to their dreams.

As one eloquent citizen with a disability said, ''I do not wish to be a kept citizen, humbled and dulled by having the state look after me. I want to take the calculated risk, to dream and to build, to fail and to succeed. I want to enjoy the benefits of my creations and face the world boldly, and say, this is what I have done.''

Our families, our neighbors, and our friends with disabilities have taught us in ways no books can teach. The inclusion of people with disabilities enriches all our lives. Every day, my son Teddy, who lost his leg at the age of 12, continues to teach me every day the greatest lesson of all—that disabled does not mean unable.

As the saying goes, when people are excluded from the social fabric of a community, it creates a hole—and when there is a hole, the entire fabric is weaker. It lacks the strength that diversity brings. The fabric of our Nation is stronger today than it was 17 years ago because people with disabilities are no longer left out and left behind, and because of that, America is a greater and better and fairer Nation.

Today, in this country, we see the many signs of the progress that mean so much in our ongoing efforts to include persons with disabilities in every aspect of life—the ramps beside the steps, the sidewalks with curb-cuts to accommodate wheelchairs, the lifts for helping disabled people to take a bus to work or the store or a movie.

Disabled students are no longer barred from schools and denied education. They are learning and achieving at levels once thought impossible. They are graduating from high schools, enrolling in universities, joining the workforce, achieving their goals, enriching their communities and their country. They have greater access than ever to the rehabilitation and training needed to be successfully employed and become productive, contributing members of their communities.

With the Ticket to Work and Work Incentives Improvement Act in 1999, we finally linked civil rights much more closely to health care. It isn't civil and it isn't right to send a disabled person to work without the health care they need and deserve.

These milestones show that we are continuing the way to fulfilling the

promise of a new, better, and more inclusive life for citizens with disabilities—but we still have a way to go. Today, as we rightly look back with pride, we also need to look ahead with hope and dedication.

We still face many challenges, especially in areas such as health care and in home-based and community-based services and support. Many persons with disabilities still do not have the services and support they need to make choices about how best to live their lives. Many are unwillingly confined to institutions or unable to have a financial plan for their future.

A strong Medicare prescription drug benefit is essential for all people with disabilities. Today, about one in six Medicare beneficiaries—over 6 million people—is a person with disabilities under aged 65. Over the next 10 years that number is expected to increase to 8 million. These persons are much less likely to be able to obtain or afford private insurance coverage. Many of them are forced to choose between buying groceries, paying their mortgage, or paying for their medication.

Families raising children with significant disabilities deserve health care for their children. No family should be forced to go bankrupt, live in poverty, or give up custody of their disabled child in order to get needed health care for disabled child. They deserve the right to buy-in to Medicaid so that their family can stay together and stay employed. Congress did its job, and now every State should do its part under the Family Opportunity Act, adopted in 2005.

People with disabilities and older Americans need community-based assistance as well, so they can live at home with their families and in their communities. We need to pass the CLASS Act to ensure this support is available, without forcing families into poverty. It is a challenge for the Nation, and we need to work together to meet it.

The Americans with Disabilities Act was an extraordinary milestone in the pursuit of the American dream. Many disability and civil rights leaders in communities throughout the country worked long and hard and well to achieve it.

To each disabled American, I say thank you. It is all of you who are the true heroes of this achievement and who will lead us in the fight to keep the ADA strong in the years ahead.

Sadly, the Supreme Court has not been on our side. In the past 17 years, it has restricted the intended scope of the ADA. Suppose you are a person with epilepsy in a job you love and you get excellent personnel reviews. You are taking medicine that controls the seizures and you have no symptoms. But your employer finds out you have epilepsy and fires you. Should you be able to sue your employer for discrimination? Suppose you are a person with Down's syndrome, doing a fantastic job at the local Wal-Mart, but the manager really doesn't want someone with Down's syndrome greeting the public. Should you be able to sue for discrimination or are you no longer even covered under the ADA? Congress intended full protection from discrimination—but the courts are ruling differently. It is time now to restore the intent of the ADA.

The Supreme Court continues to carve out exception after exception in the ADA. But discrimination is discrimination, and no attempt to blur that line or write exceptions into the law should be tolerated. Congress wouldn't do it, and it is wrong for the Supreme Court to do it.

The ADA was a spectacular example of bipartisan cooperation and success. Passed by overwhelming majorities in both the House and the Senate, Republicans and Democrats alike took rightful pride in the goals of the law and its many accomplishments.

I know that the first President Bush, Senator Bob Dole, Senator HARKIN, and many other Members of Congress from both sides of the aisle consider their work on the ADA to be among their finest accomplishments in public service. It is widely regarded today as one of the giant steps in our ongoing two-centuries-old civil rights revolution.

The need for that kind of bipartisan cooperation is especially critical today as Congress embarks on restoring the ADA to its original intent, so that the rights of those with disabilities are protected, not violated.

Today, more than ever, disability need no longer mean the end of the American dream. Our goal is to banish stereotypes and discrimination, so that every disabled person can realize the dream of working and living independently and becoming a productive and contributing member of our community.

That goal should be the birthright of every American and the ADA opened the door for every disabled American to achieve it.

A story from the debate on the ADA eloquently made the point. A postmaster in a town was told to make his post office accessible. The building had 20 steep steps leading up to a revolving door at the only entrance. The postmaster questioned the need to make such costly repairs. He said, ''I've been here for thirty-five years, and in all that time, I've yet to see a single customer come in here in a wheelchair.'' As the Americans with Disabilities Act has proved so well, if you build the ramp, they will come, and they will find their field of dreams.

So let's ramp up our own efforts across the country. We need to keep building those ramps, no matter how many steps stand in the way. We will not stop today or tomorrow or next month or next year. We will not ever stop until America works for all Americans.

I ask all of us in Congress join today in committing to keep the ADA strong. It is an act of conscience, an act of community, and above all, an act of continued hope for a better future for our country as a whole.

ADDITIONAL STATEMENTS

COMMENDING SEAN SWARNER

• Mr. ALLARD. Mr. President, today I wish to commend an extraordinary man from Colorado who just became the only two-time cancer survivor to reach the peaks of the world's highest tallest mountains on every continent.

At the age of 13, Sean Swarner was diagnosed with stage IV Hodgkin's disease and was told he only had a few months to live. Sean battled back, but only 2 years later he was forced to face the possibility of death again. He was diagnosed with Askin's sarcoma, had a golf-ball sized tumor removed from his lung, and given only 10 days to live. Sean underwent intense chemotherapy and radiation, often slipping into comas from the abrasive treatments. The intensity of the radiation damaged one of his lungs to the point where it was no longer fully functional. Sean endured more in those few years than most of us experience in a lifetime, but he survived and eventually thrived.

The cancers had been unrelated and doctors told Sean how lucky he was to survive, and that the odds of him surviving both cancers are similar to winning the lottery four times in a row with the same numbers. I don't believe luck had anything to do with Sean's survival. It was his absolute strength and fortitude that allowed him to fight the cancers. Sean beat the cancers and is now the only two-time cancer survivor to reach the summits of the highest mountains on all seven continents.

Sean began his trek in 2002 when he conquered Mount Everest. Since then, he has climbed Mount Kilimanjaro, Mount Elbrus, Mount Aconcagua, Mount Vinson Massif, Mount Kosciusko, and on June 16, 2007 he climbed Alaska's Mount Denali, the seventh and final mountain in his quest to reach the highest summits on each continent. Conquering all seven peaks is an incredible accomplishment for anyone, but for someone in Sean's condition it is nothing short of amazing. The determination, perseverance, and courage that Sean demonstrated stands as an example to all of us that anything is possible if you really want it to happen.

As amazing as these accomplishments are, Sean's story does not end with his successful mountain climbs and victory over two cancers. Sean is only 32 years old and has a lifetime ahead of him. He plans to climb the Carstensz Pyramid in Indonesia and the North and South Poles. Once he reaches the Poles, Sean will become one of less than a dozen people to complete the ''Adventure Grand Slam'' and the first cancer survivor to do so. When he isn't climbing mountains, Sean uses his experience with cancer and stories

from his expeditions to spread hope and inspiration. He makes regular visits to cancer wards and provides strength and courage for those who continue to suffer from and battle cancer. Sean has also begun a motivation speaking tour by visiting wounded troops and veterans all over the country and is currently making arrangements to speak in Afghanistan and Iraq.

Sean's story is truly inspirational, not only to those struggling to beat cancer, but to anyone who seeks to accomplish something that others say is impossible. I would like to commend Sean for his success and thank him for serving as such a positive role model to anyone who has faced long odds. Sean has proven the power of determination.●

RECOGNIZING DR. W. RON DEHAVEN

● Mr. CHAMBLISS. Mr. President, I wish to recognize Dr. W. Ron DeHaven, Administrator of USDA's Animal and Plant Health Inspection Service, APHIS. As Administrator for the last 3 years, he has ably carried out the agency's mission of protecting american agriculture.

As a strong leader of APHIS' domestic safeguarding efforts, Dr. DeHaven has been the public face of USDA's effective, science-based response to bovine spongiform encephalopathy, BSE, in the United States. He has brought strong leadership skills to increasing U.S. preparedness to deal with avian influenza viruses in our poultry industry and ensuring that APHIS maintains robust emergency response and antismuggling programs designed to prevent the establishment of exotic pests and diseases of agriculture in our country.

Dr. DeHaven serves as one of USDA's principal liaisons to the Department of Homeland Security. He has worked closely with his colleagues there on a number of fronts, including agricultural commodity inspections at our Nation's ports of entry and the joint work of USDA and DHS officials at the Plum Island Animal Disease Center off Long Island, NY. The work of the researchers and diagnosticians at the Center ensures our nation is prepared in the event of a detection of a highly contagious foreign animal disease, such as foot-and-mouth disease or classical swine fever.

The agency's role has been shaped on the international front under Dr. DeHaven's direction. He has spearheaded efforts to stop the spread in poultry of the Asian strain of H5N1 highly pathogenic avian influenza. He has also advocated for improving international animal disease response infrastructure, traveling extensively to create a coalition of like-minded developed countries to work with the United Nation's Food and Agriculture Organization, FAO, and the World Organization for Animal Health. Dr. DeHaven helped push for implementation of a Crisis Management Center at the FAO's headquarters in Rome, with the goal of coordinating global H5N1 response efforts. I believe that the U.S. poultry industry is better protected as a result of his efforts.

Dr. DeHaven's integrity, dedication, and professionalism have represented the United States proudly in all of these endeavors. He has consistently championed U.S. agriculture in all of his international relationships and activities.

We congratulate him on his retirement from the Federal Government, and thank him for his 28 years of service with APHIS.●

HONORING DANIEL BALDINGER

● Mr. LAUTENBERG. Mr. President, today I wish to pay tribute to a valued friend, Daniel Baldinger, who passed away on July 4, 2007. Throughout his life he displayed a special kindness and a deep commitment to his friends and family. His spontaneous humor and wit made for a personality to which people were quickly attracted. He was multilingual, able to communicate in French, Italian, and Spanish among other languages as well. I enjoyed his company and looked forward to our times together. Dan, though creative and artistic, was also a skilled executive and presided over a family business started in 1955, which he quickly expanded into a booming business. The company, Louis Baldinger & Sons, became one of the leading companies in the lighting industry. Under Dan's leadership, Louis Baldinger & Sons' products were obtained by some of the countries most prestigious architects and designers.

While Dan achieved substantial success in his business ventures; he would be most proud of the breadth of friendships and loving relationships he shared with his family. He was a devoted and loving husband to his wife Marjorie of 48 years and together they enjoyed a wonderful family life. Dan was a proud father of his son Howard and daughter Toby, about whom he constantly bragged.

Dan was a caring man with deep intellectual curiosity and myriad interests. He was a person of various talents and abilities including cooking, which he did with flourish and gusto. At any given moment, one could find him discussing—in one of the many languages he spoke—baseball, his plans for the Design Industries Foundation Fighting AIDS, of which he was the national chairman, or his completion of the New York Marathon in 4 hours and 28 minutes.

While Dan is no longer with us, his memory will carry on. He lived life to the fullest and was a compassionate man who acted with integrity and decency. Dan touched so many lives and all of those that had the pleasure of knowing him will miss him greatly, including my wife Bonnie and me.●

HONORING DAVID A. WAKS

● Mr. LAUTENBERG. Mr. President, this week New Jersey lost one of its great citizens when Judge David A. Waks passed away far too early in life at 66 years of age.

I have known the Waks family over a number of years and his son, Joe Waks, carries on a proud family tradition of public service as chief of staff of my Senate operations in New Jersey.

David Waks was respected and admired for his candid, forthright action on decency and integrity in Government service. Known as someone who had a sympathetic ear and a generous heart, so much so that when a person in serious need sought his help he would reach into his own limited resources to assist. He was a model of a compassionate public servant who all in public service should emulate. Anyone who had the good fortune to know him was inspired by his genuine affection and concern. His life was exemplary and I wanted to ensure that a permanent record of David Waks' life existed as an outstanding example of how public service can be ennobled by the right kind of leadership.

I ask that an article from the Herald News be printed in the RECORD.

The article follows

[From Herald News, July 19, 2007]

DAVID A. WAKS, 66, LED LIFE OF SERVICE

(By Suzanne Travers)

WAYNE.—David A. Waks, who championed integrity in public service for almost 40 years, first as a councilman, then as mayor in Wayne, and later as a state Superior Court judge in Paterson, died at his home here Wednesday.

The cause of death was lung cancer, diagnosed in mid-November, his wife, Joan, said.

Waks, 66, who once described himself to a reporter as an ''ornery cuss'' but told voters they could count on him to be fair-minded, even-handed and flexible, was known for his honesty, compassion, intelligence and hard work.

''He was one of Passaic County's real jewels,'' said Rep. Bill Pascrell Jr. (D–Paterson), a close friend for whom Waks' son, Joseph, previously worked as spokesman.

Born and raised in Paterson, Waks moved to Wayne and got his start in politics in 1971 as an advocate for local tenants after his landlord hiked his apartment's rent by 20 percent.

He was elected to the council with heavy support from 5th Ward renters, and continued to support enforcement of tenants' rights. Often the only Democrat on a Republican governing body, Waks was elected mayor in 1994 and again in 1997, resigning to become judge in 2000.

In December 1971, Wayne's township council voted to give one of its last liquor licenses to the friend of a councilman. Soon after he was sworn in, in January 1972, Waks drafted a resolution to rescind the issuance of the license. To avoid public allegations of cronyism, the councilman's friend returned the license before the resolution could go before the council, and the license was later issued to a Vietnam veteran who opened a now-defunct liquor store on Route 23.

''It was a nice way to get started,'' said Waks. ''Everybody knew the first time it was political patronage. It was the first thing I ever did, and still one of the proudest.''

Waks' tenure coincided with an era in which former Wayne officials, including its

former mayor, business administrator, and township attorney, pleaded guilty to taking part in various bribery schemes involving developers. Later, Waks and his wife, an attorney who served on the Wayne council after her husband's departure, sued the wrongdoers for damages in an innovative racketeering lawsuit that brought the township more than $300,000.

Running for mayor, Waks refused to take campaign contributions from those doing business with the township.

''He drove me nuts in this office,'' Beverly Tierney, administrative assistant in the Wayne mayor's office, said of her friend and former boss. ''He never let anyone do anything. He would not accept a gift. A restaurant sent over a tray of cookies, and he had me send them back.''

He was sworn in as a Civil Division judge in state Superior Court in Paterson seven years ago today, according to Assignment Judge Robert Passero.

Waks wasn't above getting personally involved in his job, according to Passero. He recalled a case before Waks in which a single mother with children faced eviction for failure to pay rent. ''He gave her the money to pay the rent,'' Passero said. ''While liking inwardly what he did, I actually had to admonish him for that as not being appropriate.''

For as hard as he worked and as compassionate as he was, Passero said Waks never let the grandiosity of being a judge go to his head. ''He was the type of guy who never wore socks. I think he still wore the same ties as he had in high school,'' he said, with a laugh. ''He was very unassuming. Very casual.''

Passero added, ''He studied hard, he worked hard. In my opinion, he was an ideal judge.''

Waks graduated School 20 and Eastside High School in Paterson, and received a bachelor's degree from Rutgers University. In 1966, he earned a law degree from Georgetown University, where he met his wife. He joined his father, Isadore Waks, in his Paterson law practice the following year. On occasion Waks filled in for his father as attorney for Paterson's Board of Adjustment, and gave the money he earned for that work to his mother, Joan Waks said. Later, Waks continued as a solo practitioner.

State Sen. John Girgenti, D–Hawthorne, who appointed Waks to state Superior Court, said Waks was ''a perfect candidate for the bench, because he got along well with everyone.''

Waks received a lifetime appointment to the bench before the state Senate Judiciary Committee in May, Joan Waks said. Family members brought a wheelchair because he was weak at that point, but Waks stood for a brief speech about how ''important it was to serve the people,'' said his wife.

''He really was so proud to be recognized for the work he did,'' she said. ''He loved being a judge.''

Waks quit smoking about 15 years ago, his wife said. She said he expressed his fear about dying and said he was ''not ready to go.'' ''I don't think he believed it 'til the end,'' she said. ''He died like he lived, stubbornly.''

In addition to his wife, Waks is survived by a brother, Jay Waks, of Larchmont, N.Y.; his children, Joseph Waks and his wife Nancy Slowe of Bayonne; daughters Jennifer Kennelly and her husband Thomas, of Pompton Plains; and Melanie Graceffo and her husband Gerald, of Cranford, six grandchildren: Cole, McKenzie, and Aidan Kennelly, and Gordon, Gabriel, and Isabel Graceffo, and what his wife termed ''his two granddogs.''

Joan Waks said she would hold a ''family-only'' service Monday. Waks, who was proud to be Jewish but nonpracticing, will be cremated, she said. A memorial service will likely be held Aug. 4 at DePaul High School in Wayne, where Waks sold coffee at Friday bingo games long past the time their children attended the school. Wayne Mayor Scott Rumana ordered flags to fly at half staff for 30 days to honor Waks.●

HONORING FAUSTA SAWAL

● Mrs. MURRAY. Mr. President, today I recognize Mrs. Fausta Sawal for her outstanding service in senior citizen communities in our home State of Washington. Mrs. Sawal was selected among 16,000 volunteers to receive the Senior Companion 2007 Spirit of Service Award.

The Spirit of Service awards are given to individuals who have demonstrated both leadership and a commitment to service within their communities. Mrs. Sawal has been a true role model in the community, helping senior citizens and disabled adults for more than 16 years. During her service with the Volunteers of America Senior Companion Program in Seattle/King County, she made a profound difference in the quality of life for dozens of people. Mrs. Sawal was there to call 911 when one of her clients suffered from a heart attack. She also provided assistance when another client fell from a bus and needed to be taken to the hospital. Time and again, Mrs. Sawal demonstrated her caring nature and her ability to effectively assist individuals in a time of need.

Mrs. Sawal has not limited her work to helping individuals. She has been a leader within many community organizations. Currently, she is the president of the Senior Companion Program Advisory Council, a member of the Filipino Community Center, and a volunteer at both the Asian Counseling and Referral Services and the International Drop-In Center. Mrs. Sawal has been active in each of these organizations, taking on many responsibilities including organizing special events, assisting case managers and clients, assisting with in-service trainings, procuring sponsors, and recruiting volunteers.

In addition to her role in the community, this amazing woman has raised eight children. Mrs. Sawal has more than 20 grandchildren and 4 great-grandchildren. In 2004, she was chosen as the Mother of the Year in Seattle's Asian community.

I would like to thank Mrs. Sawal for the positive impact she has had on so many lives in Washington State. Both her past activities and her current pursuits are helping to create healthier and happier communities. I am sure Mrs. Sawal will continue to make significant contributions to her family and in the elderly and disabled communities in Washington. Mrs. Sawal is a remarkable woman, and I am pleased she is being honored for her years of dedication to helping others.●

200TH ANNIVERSARY OF NELSON COUNTY, VIRGINIA

● Mr. WEBB. Mr. President, I wish to recognize a county in the Commonwealth of Virginia that is celebrating its bicentennial anniversary. Throughout this year, Nelson County residents will gather to celebrate their county's history and founding.

Nelson County is nestled in the rolling foothills of the Blue Ridge Mountains, midway between Charlottesville and Lynchburg. It was settled by colonists of English and German descent, as well as by the Scotch-Irish, whom I proudly recognize as my ancestors. The county was officially founded in 1807 and named in honor of Thomas Nelson, Jr., third Governor of Virginia. Nelson County is now home to about 14,500 people.

For those who call Nelson County home, it is a comfortable place to work and live. Nelson County is also a community in the truest sense of the word. This was most clearly demonstrated when neighbors came together and offered comfort and helping hands after Hurricane Camille caused widespread destruction in the county in 1969. Today community members can look to each other and remember with pride how they came together under hard circumstances to make Nelson County prosper once again.

Nelson County's economy is based on agriculture and natural resource-based industries such as timber and quarrying. The scenic surroundings have also attracted recreational development in recent years, making the county an outdoor enthusiast's haven. Outdoor recreation opportunities include hiking along the magnificent Appalachian Trail or to the top of Crabtree Falls, the highest cascading waterfall east of the Mississippi River, as well as canoeing and fishing on the James or Tye Rivers and skiing at Wintergreen Resort.

Many Americans may not be familiar with Nelson County by name, but millions have had a glimpse of what life was like in this rural community due to the writings of Nelson County native, Earl Hamner, Jr. During the Great Depression, Hamner began writing of his experience growing up in Nelson County. These writings eventually provided the substance for ''The Waltons'' television series.

The Nelson County Museum of History, which is currently being developed, will soon offer visitors opportunities to learn the rich heritage and rural culture of Nelson County through events, exhibits, and educational programs.

The rural community of Nelson County has much to remember and much to be proud of.

Mr. President, I ask the Senate to join me in congratulating Nelson County and its residents on their first 200 years and in wishing them well in the future.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:08 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 bill:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60–day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 12:41 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon.

Ordered, that the following Members be the managers of the conference on the part of the House:

From the Committee on Transportation and Infrastructure, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. OBERSTAR, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. TAUSCHER, Messrs. BAIRD, HIGGINS, MITCHELL, KAGEN, MCNERNEY, MICA, DUNCAN, EHLERS, BAKER, BROWN of South Carolina, and BOOZMAN.

From the Committee on Natural Resources, for consideration of sections 2014, 2023, and 6009 of the House bill, and sections 3023, 5008, and 5016 of the Senate amendment, and modifications committed to conference: Mr. RAHALL, Mrs. NAPOLITANO, and Mrs. MCMORRIS RODGERS.

At 3:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2929. An act to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes.

The message further announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. MICHAUD of Maine, Ms. HIRONO of Hawaii, and Mr. MICA of Florida.

The message also announced that pursuant to 14 U.S.C. 194(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Board of Visitors to the United States Coast Guard Academy: Mr. COURTNEY of Connecticut and Mr. SHAYS of Connecticut.

ENROLLED BILL SIGNED

At 5:39 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The following enrolled joint resolution, previously signed by the Speaker of the House, was signed on today, July 26, 2007, by the President pro tempore (Mr. BYRD):

H.J. Res. 44. Joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2929. An act to limit the use of funds to establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq or to exercise United States economic control of the oil resources of Iraq; to the Committee on Foreign Relations.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 187. Concurrent resolution expressing the sense of Congress regarding the dumping of industrial waste into the Great Lakes; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary of the Treasury.

*David H. McCormick, of Pennsylvania, to be an Under Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER:

S. 1879. A bill to amend titles 10 and 37, United States Code, to reduce the minimum age of retirement for years of non-regular service for reserves who serve on active duty in Iraq and Afghanistan, to increase the amount of educational assistance for members of the Selected Reserve, and to provide certain other benefits relating to service in the reserve components of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mrs. BOXER):

S. 1880. A bill to amend the Animal Welfare Act to prohibit dog fighting ventures; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1881. A bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. DURBIN, Mr. BIDEN, and Mrs. BOXER):

S. 1882. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. WYDEN):

S. 1883. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare prescription drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare prescription drug program, and for other purposes; to the Committee on Finance.

By Mr. SALAZAR:

S. 1884. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve agricultural energy programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. REID (for Mr. OBAMA (for himself, Mrs. MCCASKILL, Mr. HARKIN, Mr. KERRY, Mr. BAUCUS, Mr. BIDEN, Mr. DURBIN, and Mr. KENNEDY)):

S. 1885. A bill to provide certain employment protections for family members who are caring for members of the Armed Forces recovering from illnesses and injuries incurred on active duty; to the Committee on Health , Education, Labor, and Pensions.

By Mr. BURR (for himself, Mr. CORKER, Mr. COBURN, Mr. MARTINEZ, and Mrs. DOLE):

S. 1886. A bill to provide a refundable and advanceable credit for health insurance through the Internal Revenue Code of 1986, to provide for improved private health insurance access and affordability, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. KERRY):

S. 1887. A bill to amend title XVIII of the Social Security Act in order to ensure access to critical medications under the Medicare part D prescription drug program; to the Committee on Finance.

By Mrs. CLINTON (for herself and Mr. COCHRAN):

S. 1888. A bill to amend title 4, United States Code, to add National Korean War Veterans Armistice Day to the list of days on which the flag should especially be displayed; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. SMITH, Mrs. CLINTON, Mr. KERRY, and Mr. SCHUMER):

S. 1889. A bill to amend title 49, United States Code, to improve railroad safety by reducing accidents and to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LOTT:

S. 1890. A bill to allow individuals to opt-out of the National Flood Insurance Program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SALAZAR:

S. 1891. A bill to provide limited immunity for reports of suspected terrorist activity or suspicious behavior and response; to the Committee on the Judiciary.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, and Mr. LOTT):

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; from the Committee on Finance; placed on the calendar.

By Mr. REID (for Mr. DODD (for himself, Mr. NELSON of Nebraska, Mr. KENNEDY, Mr. REED, and Mr. LIEBERMAN)):

S. 1894. A bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries; 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 Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. SCHUMER):

S. Res. 281. A resolution congratulating Cal Ripken Jr. for his induction into the Baseball Hall of Fame, for an outstanding career as an athlete, and for his contributions to baseball and to his community; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mr. HATCH):

S. Res. 282. A resolution supporting the goals and ideals of a National Polycystic Kidney Disease Awareness Week to raise public awareness and understanding of polycystic kidney disease and to foster understanding of the impact polycystic kidney disease has on patients and future generations of their families; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 367

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 367, a bill to amend the Tariff Act of 1930 to prohibit the import, export, and sale of goods made with sweatshop labor, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 600

At the request of Mr. SMITH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 680

At the request of Ms. COLLINS, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 680, a bill to ensure proper oversight and accountability in Federal contracting, and for other purposes.

S. 718

At the request of Mr. CRAPO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) 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. 958

At the request of Mr. SESSIONS, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 969

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 986

At the request of Mr. REID, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 986, a bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1060

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1070

At the request of Mrs. LINCOLN, the name of the Senator from Delaware

(Mr. BIDEN) was added as a cosponsor of S. 1070, a bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes.

S. 1146

At the request of Mr. SALAZAR, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1146, a bill to amend title 38, United States Code, to improve health care for veterans who live in rural areas, and for other purposes.

S. 1152

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1152, a bill to promote wildland firefighter safety.

S. 1175

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) 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. 1185

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1185, a bill to provide grants to States to improve high schools and raise graduation rates while ensuring rigorous standards, to develop and implement effective school models for struggling students and dropouts, and to improve State policies to raise graduation rates, and for other purposes.

S. 1239

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) 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. 1245

At the request of Mr. CARDIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1245, a bill to reform mutual aid agreements for the National Capitol Region.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1374

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1374, a bill to assist States in making voluntary high quality full-day prekindergarten programs available and economically affordable for the families of all children for at least 1 year preceding kindergarten.

S. 1418

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 1418, a bill to provide assistance to improve the health of newborns, children, and mothers in developing countries, and for other purposes.

S. 1502

At the request of Mr. CONRAD, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1502, a bill to amend the Food Security Act of 1985 to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make their land available for access by the public under programs administered by States and tribal governments.

S. 1518

At the request of Mr. REED, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1518, a bill to amend the McKinney-Vento Homeless Assistance Act to reauthorize the Act, and for other purposes.

S. 1556

At the request of Mr. SMITH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of 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.

S. 1651

At the request of Mr. KENNEDY, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1651, a bill to assist certain Iraqis who have worked directly with, or are threatened by their association with, the United States, and for other purposes.

S. 1718

At the request of Mr. BROWN, the names of the Senator from Montana (Mr. TESTER) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1718, a bill to amend the Servicemembers Civil Relief Act to provide for reimbursement to servicemebers of tuition for programs of education interrupted by military service, for deferment of students loans and reduced interest rates for servicemembers during periods of military service, and for other purposes.

S. 1790

At the request of Mr. OBAMA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1790, a bill to make grants to carry out activities to prevent the incidence of unintended pregnancies and sexually transmitted infections among teens in racial or ethnic minority or immigrant communities, and for other purposes.

S. 1817

At the request of Mr. OBAMA, the names of the Senator from Delaware (Mr. BIDEN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 1817, a bill to ensure proper administration of the discharge of members of the Armed Forces for personality disorder, and for other purposes.

S. 1848

At the request of Mr. BAUCUS, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1848, a bill to amend the Trade Act of 1974 to address the impact of globalization, to reauthorize trade adjustment assistance, to extend trade adjustment assistance to service workers, communities, firms, and farmers, and for other purposes.

S. 1849

At the request of Mr. SMITH, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Montana (Mr. TESTER) were withdrawn as cosponsors of S. 1849, a bill to amend the Internal Revenue Code of 1986 to clarify that wages paid to unauthorized aliens may not be deducted from gross income, and for other purposes.

S. 1850

At the request of Mr. SMITH, the names of the Senator from Montana (Mr. TESTER) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1850, a bill to amend the Internal Revenue Code of 1986 to provide for the treatment of Indian tribal governments as State governments for purposes of issuing tax-exempt governmental bonds, and for other purposes.

S. RES. 203

At the request of Mr. MENENDEZ, the names of the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. OBAMA) 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.

At the request of Mr. BYRD, his name was added as a cosponsor of S. Res. 203, supra.

At the request of Mr. CORNYN, his name was added as a cosponsor of S. Res. 203, supra.

S. RES. 276

At the request of Mr. BIDEN, the names of the Senator from West Virginia (Mr. BYRD), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN), the Senator from Arkansas (Mr. PRYOR), the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. Res. 276, a resolution calling for the urgent deployment of a robust and effective multinational peacekeeping mission with sufficient size, resources, leadership, and mandate to protect civilians in Darfur, Sudan, and for efforts to strengthen the renewal of a just and inclusive peace process.

AMENDMENT NO. 2398

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 2398 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2400

At the request of Mr. NELSON of Florida, his name was withdrawn as a cosponsor of amendment No. 2400 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2405

At the request of Mr. ALEXANDER, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 2405 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2407

At the request of Mr. LIEBERMAN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2407 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2413

At the request of Mr. MARTINEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 2413 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2416

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of amendment No. 2416 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2417

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 2417 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

At the request of Mr. SALAZAR, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 2417 proposed to H.R. 2638, supra.

AMENDMENT NO. 2442

At the request of Mr. COBURN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of amendment No. 2442 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2464

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2464 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2468

At the request of Ms. LANDRIEU, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 2468 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2473

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2473 intended to be proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

AMENDMENT NO. 2476

At the request of Mr. GRASSLEY, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of amendment No. 2476 proposed to H.R. 2638, a bill making appropriations for the Department of Homeland Securityfor the fiscal year ending September 30, 2008, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself and Mr. SPECTER):

S. 1881. A bill to amend the Americans with Disabilities Act of 1990 to restore the intent and protections of that Act, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am joining, today, with the senior Senator from Pennsylvania, Senator SPECTER, in introducing the ADA Restoration Act of 2007.

Today, July 26, marks the 17th anniversary of the signing of the Americans with Disabilities Act, one of the landmark civil rights laws of the 20th century, and a long-overdue emancipation proclamation for the 50 million Americans with disabilities.

As chief sponsor of the ADA in the Senate, I take pride in the progress we have made as a Nation since 1990. We have removed most physical barriers to movement and access for the 50 million Americans with disabilities. We have required employers to provide reasonable accommodations so that people with disabilities can have equal opportunity in the workplace. We have advanced the 4 goals of the ADA, equality of opportunity, full participation, independent living, and economic self-sufficiency.

So today is a day, first and foremost, to celebrate all that has been accomplished over the last 17 years.

But despite that progress, there is a problem. In recent years, the courts have ignored Congress's clear intent as to who should be protected under the ADA. And the courts have narrowed the definition of who qualifies as an ''individual with a disability.'' As a consequence, millions of people we intended to be protected under the ADA, including people with epilepsy, diabetes, and cancer, are not protected any more. In a ruling just this spring, the 11th Circuit court even concluded that a person with mental retardation was not ''disabled'' under the ADA.

Looking back through the legislative history, it is abundantly clear that Congress intended that the protections in the ADA apply to all persons without regard to mitigating circumstances, such as taking medication or using an assistive device.

In the Senate Labor and Human Resources Committee report Congress said:

> Whether a person has a disability should be assessed without regard to the availability of mitigating measures, such as reasonable accommodations or auxiliary aids.

The House Education and Labor Committee report says the same thing, and goes on to say:

> For example, a person who is hard of hearing is substantially limited in the major life activity of hearing, even though the loss may be corrected through the use of a hearing aid. Likewise, persons with impairments, such as epilepsy or diabetes, which substantially limit a major life activity are covered under . . . the definition of disability, even if the effects of the impairment are controlled by medication.

Nonetheless, in a series of cases, the Supreme Court ignored Congressional intent. Together, these Supreme Court cases have created an absurd and unintended Catch 22. People with serious health conditions like epilepsy or diabetes who are fortunate to find treatments that make them more capable and independent, and more able to work, may find that they are no longer protected by the ADA. If these individuals are no longer covered under the ADA, then their requests for a reasonable accommodation at work can be denied, or they can be fired. On the other hand, if they stop taking their medication, they will be considered a person with a disability under the ADA, but they will be unable to do their job.

This is not just absurd, it is wrong. It flies in the face of clear, unambiguous Congressional intent. When we passed the law, there was common agreement on both sides of the aisle, and on the part of the White House, that the law was designed to protect any individual who is treated less favorably because of a current, past, or perceived disability.

This situation cries out for a modest, reasonable legislative fix, and that is exactly what we are doing, today, by introducing the ADA Restoration Act of 2007.

Our bill amends the definition of ''disability'' so that people who Congress originally intended to be protected from discrimination are covered under the ADA.

Mr. Presdient, 17 years ago, the Americans with Disabilities Act passed with overwhelming bipartisan support. Likewise, today, we are building a strong bicameral, bipartisan majority to support ADA Restoration. A companion bill is being introduced, today, in the House.

As with the original passage of the ADA in 1990, it is going to take time to hold hearings and build strong majorities. But I look forward to working to restore Congress' original intent, and, once again, to ensure that Americans with disabilities are protected from discrimination.

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 orderd to be printed in the RECORD, as follows:

S. 1881

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 ''Americans with Disabilities Act Restoration Act of 2007''.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) in enacting the Americans with Disabilities Act of 1990, Congress intended that the Act ''establish a clear and comprehensive prohibition of discrimination on the basis of disability'', and provide broad coverage and vigorous and effective remedies without unnecessary and obstructive defenses;

(2) decisions and opinions of the Supreme Court have unduly narrowed the broad scope of protection afforded by the Americans with Disabilities Act of 1990, eliminating protection for a broad range of individuals whom Congress intended to protect;

(3) in enacting the Americans with Disabilities Act of 1990, Congress recognized that physical and mental impairments are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society, but Congress also recognized that people with physical or mental impairments having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of prejudice, antiquated attitudes, or the failure to remove societal and institutional barriers;

(4)(A) Congress modeled the Americans with Disabilities Act of 1990 definition of disability on that of section 504 of the Rehabilitation Act of 1973 (referred to in this section as ''section 504''), which had, prior to the date of enactment of the Americans with Disabilities Act of 1990, been construed broadly to encompass both actual and perceived limitations, and limitations imposed by society; and

(B) the broad conception of the definition contained in section 504 had been underscored by the Supreme Court's statement in its decision in School Board of Nassau County v. Arline, 480 U.S. 273 (1987), that the definition ''acknowledged that society's myths and fears about disability and disease are as handicapping as are the physical limitations that flow from actual impairment'';

(5) in adopting, in the Americans with Disabilities Act of 1990, the concept of disability expressed in section 504, Congress understood that adverse action based on a person's physical or mental impairment is often unrelated to the limitations caused by the impairment itself;

(6) instead of following congressional expectations that the term ''disability'' would be interpreted broadly in the Americans with Disabilities Act of 1990, the Supreme Court has ruled, in Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that the elements of the definition ''need to be interpreted strictly to create a demanding standard for qualifying as disabled'' and, consistent with that view, has narrowed the application of the definition in various ways; and

(7) contrary to explicit congressional intent expressed in the committee reports for the Americans with Disabilities Act of 1990, the Supreme Court has eliminated from the Act's coverage individuals who have mitigated the effects of their impairments through the use of such measures as medication and assistive devices.

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

(1) to effect the Americans with Disabilities Act of 1990's objectives of providing ''a clear and comprehensive national mandate for the elimination of discrimination'' and ''clear, strong, consistent, enforceable standards addressing discrimination'' by restoring the broad scope of protection available under the Americans with Disabilities Act of 1990;

(2) to respond to certain decisions of the Supreme Court, including Sutton v. United Air Lines, Inc., (527 U.S. 471 (1999), Murphy v. United Parcel Service, Inc., 527 U.S. 516 (1999), Albertson's, Inc. v. Kirkingburg, 527 U.S. 555 (1999), and Toyota Motor Manufacturing, Kentucky, Inc. v. Williams, 534 U.S. 184 (2002), that have narrowed the class of people who can invoke the protection from discrimination that the Americans with Disabilities Act of 1990 provides; and

(3) to reinstate the original congressional intent regarding the definition of disability in the Americans with Disabilities Act of 1990 by clarifying that the protection of that Act is available for all individuals who are—

(A) subjected to adverse treatment based on an actual or perceived impairment, or a record of impairment; or

(B) adversely affected—

(i) by prejudiced attitudes, such as myths, fears, ignorance, or stereotypes concerning disability or particular disabilities; or

(ii) by the failure to remove societal and institutional barriers, including communication, transportation, and architectural barriers, or the failure to provide reasonable modifications to policies, practices, and procedures, reasonable accommodations, and auxiliary aids and services.

SEC. 3. FINDINGS IN AMERICANS WITH DISABILITIES ACT OF 1990.

Section 2(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101(a)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1)(A) physical and mental disabilities are natural parts of the human experience that in no way diminish a person's right to fully participate in all aspects of society; and

''(B)(i) people with physical or mental disabilities having the talent, skills, abilities, and desire to participate in society are frequently precluded from doing so because of discrimination; and

''(ii) other people who have a record of a disability or are regarded as having a disability have also been subjected to discrimination;''; and

(2) by striking paragraph (7) and inserting the following:

''(7)(A) individuals with disabilities have been subjected to a history of purposeful unequal treatment, have had restrictions and limitations imposed upon them because of their disabilities, and have been relegated to positions of political powerlessness in society; and

''(B) classifications and selection criteria that exclude individuals with disabilities should be strongly disfavored, subjected to skeptical and meticulous examination, and permitted only for highly compelling reasons, and never on the basis of prejudice, myths, irrational fears, ignorance, or stereotypes about disability;''.

SEC. 4. DISABILITY DEFINED.

Section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) DISABILITY.—

''(A) IN GENERAL.—The term 'disability' means—

''(i) a physical or mental impairment;

''(ii) a record of a physical or mental impairment; or

''(iii) being regarded as having a physical or mental impairment.

''(B) RULE OF CONSTRUCTION.—

''(i) DETERMINATION OF IMPAIRMENT.—The determination of whether an individual has a physical or mental impairment shall be made without regard to—

''(I) whether the individual uses a mitigating measure;

''(II) the impact of any mitigating measures the individual may or may not be using;

''(III) whether any manifestation of the impairment is episodic; or

''(IV) whether the impairment is in remission or latent.

''(ii) MITIGATING MEASURES.—The term 'mitigating measure' means any treatment, medication, device, or other measure used to eliminate, mitigate, or compensate for the effect of an impairment, and includes prescription and other medications, personal aids and devices (including assistive technology devices and services), reasonable accommodations, and auxiliary aids and services.''; and

(2) by redesignating paragraph (3) as paragraph (7) and inserting after paragraph (2) the following:

''(3) MENTAL IMPAIRMENT.—The term 'mental', used with respect to an impairment, means any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability.

''(4) PHYSICAL IMPAIRMENT.—The term 'physical', used with respect to an impairment, means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting 1 or more of the following body systems:

''(A) Neurological.

''(B) Musculoskeletal.

''(C) Special sense organs.

''(D) Respiratory, including speech organs.

''(E) Cardiovascular.

''(F) Reproductive.

''(G) Digestive.

''(H) Genitourinary.

''(I) Hemic and lymphatic.

''(J) Skin.

''(K) Endocrine.

''(5) RECORD OF A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'record of a physical or mental impairment' means a history of, or a

misclassification as having, a physical or mental impairment.

''(6) REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT.—The term 'regarded as having a physical or mental impairment' means perceived or treated as having a physical or mental impairment, whether or not the individual involved has an impairment.''.

SEC. 5. ADVERSE ACTION.

The Americans with Disabilities Act of 1990 is amended by inserting after section 3 (42 U.S.C. 12102) the following:

''SEC. 4. ADVERSE ACTION.

''An adverse action taken by an entity covered under this Act against an individual because of that individual's use of a mitigating measure or because of a side effect or other consequence of the use of such a measure shall constitute discrimination under this Act.''.

SEC. 6. DISCRIMINATION ON THE BASIS OF DISABILITY.

Section 102 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12112) is amended—

(1) in subsection (a), by striking ''against a qualified individual with a disability because of the disability of such individual'' and inserting ''against an individual on the basis of disability''; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking the term ''discriminate'' and inserting ''discriminate against an individual on the basis of disability''.

SEC. 7. QUALIFIED INDIVIDUAL.

Section 103(a) of the Americans with Disabilities Act of 1990 (42 U.S.C. 2113(a)) is amended by striking ''that an alleged'' and inserting ''that—

''(1) the individual alleging discrimination under this title is not a qualified individual with a disability; or

''(2) an alleged''.

SEC. 8. RULE OF CONSTRUCTION.

Section 501 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12201) is amended by adding at the end the following:

''(e) BROAD CONSTRUCTION.—In order to ensure that this Act achieves the purpose of providing a comprehensive prohibition of discrimination on the basis of disability and to advance the remedial purpose of this Act, the provisions of this Act shall be broadly construed.

''(f) REGULATIONS.—

''(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Americans with Disabilities Act Restoration Act of 2007—

''(A) the Attorney General, the Equal Employment Opportunity Commission, and the Secretary of Transportation shall issue regulations described in sections 106, 204, 223, 229, 244, and 306, as appropriate, including regulations that implement sections 3 and 4, to carry out the corresponding provisions of this Act, as this Act is amended by the Americans with Disabilities Act Restoration Act of 2007; and

''(B) the Architectural and Transportation Barriers Compliance Board shall issue supplementary guidelines described in section 504, to supplement the existing Minimum Guidelines and Requirements for Accessible Design for purposes of titles II and III of this Act, as this Act is amended by the Americans with Disabilities Act Restoration Act of 2007.

''(2) CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of an officer or agency described in paragraph (1) to issue regulations or guidelines under any other provision of this Act, other than this subsection.

''(g) DEFERENCE TO REGULATIONS AND GUIDANCE.—Duly issued Federal regulations and guidance for the implementation of the Americans with Disabilities Act of 1990, including provisions implementing and interpreting the definition of disability, shall be entitled to deference by administrative agencies or officers, and courts, deciding an issue in any action brought under this Act.''.

By Mr. HAGEL (for himself, Mr. DURBIN, Mr. BIDEN, and Mrs. BOXER):

S. 1882. A bill to amend the Public Health Service Act to establish various programs for the recruitment and retention of public health workers and to eliminate critical public health workforce shortages in Federal, State, local, and tribal public health agencies; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, in the last few years, our Nation's public health has been threatened repeatedly. We have faced natural disasters like the horrific damage done by Hurricane Katrina. We have endured human-led catastrophes like the tragic September 11 attacks. Only a couple of months ago, a man infected with a potentially lethal strain of extremely drug-resistant tuberculosis was able to travel from his home in Atlanta to France, Greece, the Czech Republic, and Canada, before ending up at a center in Denver for treatment.

These emergencies have made it clear that our public health system must be prepared for the unexpected.

Our ability to prevent, respond to, and recover from incidents like these depends upon an adequately staffed and well trained public health workforce. But if we look at our public health workforce today, what we see is alarming: an aging staff nearing retirement with no clear pipeline of trained employees to fill the void.

The average age of lab technicians, epidemiologists, environmental health experts, microbiologists, IT specialists, administrators, and other public health workers is 47. That is 7 years older than the average age of the Nation's workforce. Retirement rates are as high as 20 percent in some State public health agencies. Nearly half of the Federal employees in positions critical to our biodefense will be eligible to retire by 2012. The average age of a public health nurse is near 50 years.

These statistics are sobering. As the responsibilities of our public health workforce are growing, their ranks continue to shrink. These are shortages that impact not just for the security of our health, but our national security.

We can't afford to overlook this problem any longer. For the third consecutive Congress, Senator HAGEL and I are introducing the Public Health Preparedness Workforce Development Act of 2007. This is a bill that will increase the pipeline of qualified public health workers at all levels—Federal, State, local, and tribal. It offers scholarships and loan repayment as recruitment and retention incentives for students who enter and stay in the field of public health. It also provides opportunities for mid-career public health professionals to go back for additional training in public health preparedness or biodefense.

The time to prepare for a public health emergency, whether that be a natural disaster or one of our own making, is not tomorrow, nor next month, nor a year from now, but today. Looking forward we must strengthen our public health workforce. I urge my colleagues to join me and the Senator from Nebraska in taking up and passing the Public Health Preparedness Workforce Development Act. We must all make a commitment to securing the safety of our nation, and that security begins with our public health.

By Mr. KOHL (for himself, Mr. DORGAN, and Mr. WYDEN):

S. 1883. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage program and the Medicare prescription drug program and to provide for State certification prior to waiver of licensure requirements under the Medicare prescription drug program, and for other purposes; to the Committee on Finance.

Mr. KOHL. Mr. President, I rise today to introduce the Accountability and Transparency in Medicare Marketing Act, on behalf of myself and Senator DORGAN and WYDEN. This legislation aims to regulate the marketing standards and sales tactics of Medicare Advantage and Medicare prescription drug plans, now the fastest growing segment of Medicare and a prime target for fraud, misrepresentation, and deceptive sales practices.

As chairman of the Special Committee on Aging, I recently held a hearing entitled, ''Medicare Advantage Marketing and Sales: Who Has the Advantage?'' Our hearing uncovered that a large majority of State insurance departments have received, and continue to receive, an unprecedented number of complaints about inappropriate or confusing marketing practices that have led Medicare beneficiaries to enroll in Medicare Advantage plans without adequately understanding the consequences of their decisions.

My legislation will facilitate the creation of uniform marketing standards that will be adopted and enforced by individual states. Based on current law, CMS has exclusive authority to investigate and discipline the marketing and selling of Medicare advantage products, while States have only been permitted to examine and enforce violations against individual insurance agents. This unusual arrangement, which some might call a pre-emption of authority, has left a sizable enforcement gap that has exacerbated the problems found by the committee.

This legislation will close that gap, giving States the ability to standardize marketing and sales regulations, as well as regulate both agents and companies in the marketing and sales of

Medicare Advantage and prescription drug plans. Ultimately, State insurance commissioners will have the ability to work in conjunction with CMS in order to provide the most comprehensive protection possible for Medicare beneficiaries.

Senior citizens deserve to have access to the health care plan that best serves their needs without having to worry about being purposely mislead and deceived. I believe we must repair this disconnect in oversight and ensure the protection of American seniors, and I hope my colleagues will join in my effort to do so.

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 placed in the RECORD, as follows:

S. 1883

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 ''Accountability and Transparency in Medicare Marketing Act of 2007''.

SEC. 2. STANDARDIZED MARKETING REQUIREMENTS UNDER THE MEDICARE ADVANTAGE AND MEDICARE PRESCRIPTION DRUG PROGRAMS.

(a) MEDICARE ADVANTAGE PROGRAM.—

(1) IN GENERAL.—Section 1856 of the Social Security Act (42 U.S.C. 1395w–26) is amended—

(A) in subsection (b)(1), by inserting ''or subsection (c)'' after ''subsection (a)''; and

(B) by adding at the end the following new subsection:

''(c) STANDARDIZED MARKETING REQUIREMENTS.—

''(1) DEVELOPMENT BY THE NAIC.—

''(A) REQUIREMENTS.—The Secretary shall request the National Association of Insurance Commissioners (in this subsection referred to as the 'NAIC') to—

''(i) develop standardized marketing requirements for Medicare Advantage organizations with respect to Medicare Advantage plans and PDP sponsors with respect to prescription drug plans under part D; and

''(ii) submit a report containing such requirements to the Secretary by not later than the date that is 9 months after the date of enactment of this subsection.

''(B) PROHIBITED ACTIVITIES.—Such requirements shall prohibit the following:

''(i) Cross-selling of non-Medicare products or services with products or services offered by a Medicare Advantage plan or a prescription drug plan under part D.

''(ii) Up-selling from prescription drug plans under part D to Medicare Advantage plans.

''(iii) Telemarketing (including cold calling) conducted by an organization with respect to a Medicare Advantage plan or a PDP sponsor with respect to a prescription drug plan under part D (or by an agent of such an organization or sponsor).

''(iv) A Medicare Advantage organization or a PDP sponsor providing cash or other monetary rebates as an inducement for enrollment or otherwise.

''(C) ELECTION FORM.—Such requirements may prohibit a Medicare Advantage organization or a PDP sponsor (or an agent of such an organization or sponsor) from completing any portion of any election form used to carry out elections under section 1851 or 1860D–1 on behalf of any individual.

''(D) AGENT AND BROKER COMMISSIONS.—Such requirements shall establish standards—

''(i) for fair and appropriate commissions for agents and brokers of Medicare Advantage organizations and PDP sponsors, including a prohibition on extra bonuses or incentives; and

''(ii) for the disclosure of such commissions.

''(E) CERTAIN CONDUCT OF AGENTS.—Such requirements shall address the conduct of agents engaged in on-site promotion at a facility of an organization with which the Medicare Advantage organization or PDP sponsor has a cobranding relationship.

''(F) OTHER STANDARDS.—Such requirements may establish such other standards relating to marketing under Medicare Advantage plans and prescription drug plans under part D as the NAIC determines appropriate.

''(2) IMPLEMENTATION OF REQUIREMENTS.—

''(A) ADOPTION OF NAIC DEVELOPED REQUIREMENTS.—If the NAIC develops standardized marketing requirements and submits the report pursuant to paragraph (1), the Secretary shall promulgate regulations for the adoption of such requirements. The Secretary shall ensure that such regulations take effect not later than the date that is 10 months after the date of enactment of this subsection.

''(B) REQUIREMENTS IF NAIC DOES NOT SUBMIT REPORT.—If the NAIC does not develop standardized marketing requirements and submit the report pursuant to paragraph (1), the Secretary shall promulgate regulations for standardized marketing requirements for Medicare Advantage organizations with respect to Medicare Advantage plans and PDP sponsors with respect to prescription drug plans under part D. Such regulations shall prohibit the conduct described in paragraph (1)(B), may prohibit the conduct described in paragraph (1)(C), shall establish the standards described in paragraph (1)(D), shall address the conduct described in paragraph (1)(E), and may establish such other standards relating to marketing under Medicare Advantage plans and prescription drug plans as the Secretary determines appropriate. The Secretary shall ensure that such regulations take effect not later than the date that is 10 months after the date of enactment of this subsection.

''(C) CONSULTATION.—In establishing requirements under this subsection, the NAIC or Secretary (as the case may be) shall consult with a working group composed of representatives of Medicare Advantage organizations and PDP sponsors, consumer groups, and other qualified individuals. Such representatives shall be selected in a manner so as to insure balanced representation among the interested groups.

''(3) STATE REPORTING OF VIOLATIONS OF STANDARDIZED MARKETING REQUIREMENTS.—The Secretary shall request that States report any violations of the standardized marketing requirements under the regulations under subparagraph (A) or (B) of paragraph (2) to national and regional offices of the Centers for Medicare & Medicaid Services.

''(4) REPORT.—The Secretary shall submit an annual report to Congress on the enforcement of the standardized marketing requirements under the regulations under subparagraph (A) or (B) of paragraph (2), together with such recommendations as the Secretary determines appropriate. Such report shall include—

''(A) a list of any alleged violations of such requirements reported to the Secretary by a State, a Medicare Advantage organization, or a PDP sponsor; and

''(B) the disposition of such reported violations.''.

(2) STATE AUTHORITY TO ENFORCE STANDARDIZED MARKETING REQUIREMENTS.—

(A) IN GENERAL.—Section 1856(b)(3) of the Social Security Act (42 U.S.C. 1395w–26(b)(3)) is amended—

(i) by striking ''or State'' and inserting '', State''; and

(ii) by inserting '', or State laws or regulations enacting the standardized marketing requirements under subsection (c)'' after ''plan solvency''.

(B) NO PREEMPTION OF STATE SANCTIONS.—Nothing in title XVIII of the Social Security Act or the provisions of, or amendments made by, this Act, shall be construed to prohibit a State from imposing sanctions against Medicare Advantage organizations, PDP sponsors, or agents or brokers of such organizations or sponsors for violations of the standardized marketing requirements under subsection (c) of section 1856 of the Social Security Act (as added by paragraph (1)) as enacted by that State.

(3) CONFORMING AMENDMENT.—Section 1851(h)(4) of the Social Security Act (42 U.S.C. 1395w–21(h)(4)) is amended by adding at the end the following flush sentence:

''Beginning on the effective date of the implementation of the regulations under subparagraph (A) or (B) of section 1856(c)(2), each Medicare Advantage organization with respect to a Medicare Advantage plan offered by the organization (and agents of such organization) shall comply with the standardized marketing requirements under section 1856(c).''.

(b) MEDICARE PRESCRIPTION DRUG PROGRAM.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection:

''(l) STANDARDIZED MARKETING REQUIREMENTS.—A PDP sponsor with respect to a prescription drug plan offered by the sponsor (and agents of such sponsor) shall comply with the standardized marketing requirements under section 1856(c).''.

SEC. 3. STATE CERTIFICATION PRIOR TO WAIVER OF LICENSURE REQUIREMENTS UNDER MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–12(c) of the Social Security Act (42 U.S.C. 1395w–112(c)) is amended—

(1) in paragraph (1)(A), by striking ''In the case'' and inserting ''Subject to paragraph (5), in the case''; and

(2) by adding at the end the following new paragraph:

''(5) STATE CERTIFICATION REQUIRED.—

''(A) IN GENERAL.—The Secretary may only grant a waiver under paragraph (1)(A) if the Secretary has received a certification from the State insurance commissioner that the prescription drug plan has a substantially complete application pending in the State.

''(B) REVOCATION OF WAIVER UPON FINDING OF FRAUD AND ABUSE.—The Secretary shall revoke a waiver granted under paragraph (1)(A) if the State insurance commissioner submits a certification to the Secretary that the recipient of such a waiver—

''(i) has committed fraud or abuse with respect to such waiver;

''(ii) has failed to make a good faith effort to satisfy State licensing requirements; or

''(iii) was determined ineligible for licensure by the State.''.

(b) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply with respect to plan years beginning on or after January 1, 2008.

SEC. 4. NAIC RECOMMENDATIONS ON THE ESTABLISHMENT OF STANDARDIZED BENEFIT PACKAGES FOR MEDICARE ADVANTAGE PLANS AND PRESCRIPTION DRUG PLANS.

Not later than 30 days after the date of enactment of this Act, the Secretary of Health

and Human Services shall request the National Association of Insurance Commissioners to establish a committee to study and make recommendations to the Secretary and Congress on—

(1) the establishment of standardized benefit packages for Medicare Advantage plans under part C of title XVIII of the Social Security Act and for prescription drug plans under part D of such Act; and

(2) the regulation of such plans.

By Mr. SALAZAR:

S. 1884. A bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize and improve agricultural energy programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry,

Mr. SALAZAR. Mr. President, today I am introducing a bill that will help deliver clean energy technologies from the research pipelines of our labs into the hands of our farmers and ranchers, so that we can take better advantage of our farms and fields for clean energy production. This bill, called the Harvesting Energy Act, will bolster the energy title of this year's farm bill, building on the good ideas that Chairman HARKIN, Ranking Member CHAMBLISS, and the rest of us on the Agriculture Committee have been working on for several months.

I am proud that the Harvesting Energy Act reflects the broad-based, bipartisan input of the 25 by '25 coalition which, earlier this year, provided us with their policy recommendations for how we can produce 25 percent of our energy from renewable resources by 2025. The 25 by '25 vision has been endorsed by 22 current and former Governors and several State legislatures across the country, along with over 500 organizations and companies, including the Big Three automobile manufacturers, agricultural producers, and environmental groups. We established 25 by '25 as a national goal earlier this year when we passed the Energy bill in the Senate. We must now implement the policies that are necessary to achieve that goal.

I have spoken many times about the urgency of moving this Nation toward energy independence by making better use of the resources we have here at home. Responsible development of our oil and gas resources, improved efficiency and conservation, and more aggressive investment in renewable energy technologies—these are the three pillars upon which we must build an economy that is less dependent on foreign oil.

I do not need to remind my colleagues of the dangers that oil dependence poses to the United States and to global security. It is oil that empowers states such as lran, Venezuela, and Syria. It is oil that contributes to violence in Iraq, Nigeria, and the Sudan. It is oil that places Russia and China in a dangerous competition for oil in Central Asia and Africa.

This Congress has made remarkable progress since January in confronting the daunting task of reducing our dependence on foreign oil. It is an effort that has spanned several committees.

The Energy bill that we passed in early June represented the diligent work of the Energy and Natural Resources Committee, the Commerce Committee, and the Finance Committee. I was proud of the work we did on that bill, from creating meaningful oil savings targets to making smarter investments in renewables, improving vehicle standards, and establishing a national goal of producing 25 percent of our energy from our farms and fields by 2025.

I am also proud of the energy work we are doing on the farm bill in the Agriculture Committee. Thanks to Chairman HARKIN's leadership, the 2007 farm bill will build on the 2002 farm bill's first-ever energy title.

This is an important step that recognizes the central role that our farmers and ranchers must play in a new, clean energy economy. We have the most productive lands and most efficient farmers in the world, allowing America to be the breadbasket for the global community. With these resources, talent, and ingenuity, there is no doubt that we can grow our way to energy independence.

As I travel through Colorado, the possibilities of a clean energy revolution, driven by farmers and ranchers, are clear.

In Weld County, Logan County, and Yuma County, we are seeing biofuel plants spring to life, creating new markets and new opportunities for our rural communities. In 2004, there were no ethanol plants in Colorado. Today, three plants produce more than 90 million gallons per year, and a fourth plant will come on line later this year, adding another 50 million gallons per year.

But it is not just biofuels. In the San Luis Valley, where my family has lived for five generations, Xcel Energy just broke ground on the largest solar plant in North America.

We have added 60 megawatts of wind capacity in Colorado in the last 2 years, and by the end of 2007, we will add another 775 megawatts, more than tripling the State's production of wind power to more than 1,000 megawatts. This is good for households along the Front Range that get clean, affordable power, and it is good for the ranchers in Prowers County, who own the land on which the turbines sit.

These biofuel plants, wind turbines, and solar farms are revitalizing rural communities that have been withering on the vine. They are bringing life back to main streets that were boarded up and excitement back to farmers and ranchers who are eager to be a part of our clean energy revolution.

The bill I am introducing today will help stimulate this revolution by getting more renewable energy technologies out of the development pipeline and into the fields, where they belong.

It is based on the recommendations contained in the 25 by 25 Action Plan and builds on those ideas with important new initiatives to supplement the energy title of the farm bill. Our goal is to ensure that the renewable energy work being done at the Department of Energy and in colleges and universities throughout the country, in which we invested earlier this year through the Energy bill, is accompanied by a strong commitment at USDA to bring the resulting technologies and methods out to farmers and ranchers.

USDA has a long history of identifying promising new production methods and technologies, refining them, and making them available to agricultural producers. The Akron Research Station in Washington County, CO, is a great example. For 100 years it has connected our farmers in eastern Colorado with the latest practical agricultural research available.

USDA can and should be making the same efforts to disperse the latest and best developments from the renewable energy revolution to farmers and ranchers.

I want to briefly describe four ways in which my bill will bolster USDA's capabilities in this area and help make the 25x'25 vision a reality.

First, the Harvesting Energy Act of expands and extends Section 9006 of the farm bill, which offers competitive grants and loan guarantees to help farmers, ranchers, and rural small businesses invest in proven clean energy technologies. My bill adds $280 million to section 9006, following the recommendations of the 25x'25 Agriculture Energy Alliance. This will ramp up the loan guarantees for cellulosic ethanol facilities, encourage community wind and other electric power projects, and expand the number of eligible applicants for these loans and grants. This is a responsible way to help more farmers become net energy producers of on-farm renewable energy.

Second, my bill accelerates research, development, demonstration, and deployment of renewable resources such as biomass, wind, solar, and renewable natural gas. I am proposing that we devote an additional $200 million per year to these efforts, with the specific goals of bringing biomass energy feedstocks such as native grasses and short-rotation trees into production; perfecting our biorefinery and conversion technologies; refining biofuels from these biomass feedstocks; and making use of the biobased coproducts to add value to the process.

Third, if we are to continue to expand biofuels production, we need to ensure that the supply is stable so that we don't encounter major shortages in droughts or in periods of adverse weather. Storing feedstocks like corn, oilseed crops, and biomass for cellulosic ethanol will better protect consumers from huge price fluctuations or shortages. My bill would create a voluntary biofuel feedstock reserve that would encourage farmers to store these feedstocks on-farm and make them available for biofuel production when a price spike or a shortage occurs.

Fourth, the Harvesting Energy Act invests in research and development in new production technologies that promise to yield high energy returns and carbon storage. One of the key investments that this bill makes is in biochar. Biochar is a type of charcoal produced from biomass that is valuable as a soil amendment. The USDA and DOE are finding that they can produce biochar as a carbon-capturing byproduct of cellulosic ethanol production. This is good for farmers, who put the biochar back into the soil as a fertilizer, good for the environment because it reduces carbon emissions, and good for consumers because it could drive down cellulosic ethanol production costs. My bill would provide $50 million in competitive funding for research and development grants to scale-up and commercialize biochar production systems. Like so much else we are doing in the energy title of the farm bill, this would move ideas from the research pipeline out into the field, where they need to be.

This bill includes a wide range of other provisions that build on the good work that the Agriculture Committee is doing on the farm bill. Like the provisions I have described, they aim to expand the menu of renewable energy options we have available as we work to reduce our dependence on foreign oil.

I again thank Chairman HARKIN and Senator CHAMBLISS for their leadership on the Agriculture Committee and for their commitment to creating a robust energy title in this year's farm bill. I firmly believe that with the right investments and a commitment from this Congress, our farmers and ranchers can help lead us down the path to energy independence.

By Mr. SMITH (for himself and Mr. KERRY):

S. 1887. A bill to amend title XVIII of the Social Security Act in order to ensure access to critical medications under the Medicare Part D prescription drug program; to the Committee on Finance.

Mr. Smith. Mr. President, today I am introducing the Access to Critical Medications Act ACMA, a bill that will vastly improve the coverage millions of vulnerable Medicare beneficiaries receive through the Medicare prescription drug program, known as Part D. The new drug benefit has been a tremendous success, providing access to affordable prescription drug therapies to millions of beneficiaries, some for the very first time. But many of our most vulnerable seniors, especially those suffering from serious health conditions like mental illness, HIV/AIDS or cancer, often have difficulty obtaining the vital drug therapies they need to remain functional, or in some cases, to survive. To remedy these problems, the bill I am introducing today will give the Centers for Medicare and Medicaid Services, CMS, the regulatory tools it needs to ensure that all prescription drug plans, PDP, provide unfettered access to medically essential drug therapies.

My connection to this issue began long before Medicare's new prescription drug benefit went into effect. As chairman of the Aging Committee, I held a hearing in the spring of 2005 to explore how well CMS was preparing to transition dual-eligible beneficiaries, those who qualify for both Medicare and Medicaid, into Medicare Part D. At that hearing, advocates expressed a number of concerns with the implementation of the new drug benefit, and chief among them was guaranteeing that vulnerable beneficiaries had access to important drug therapies that either stabilized or improved their health condition. I made a personal request to then CMS Administrator Dr. Mark McClellan to work with prescription drug plans to ensure that their formularies provide access to all available drugs in certain pharmaceutical classes, including those that contain innovative treatments for mental illness, epilepsy, cancer and HIV/AIDS. The result of that conversation was the creation of the ''all or substantially all'' policy for six protected drug classes. CMS initially included this new policy as part of the sub-regulatory formulary guidance it issued to plans in 2005 and again in 2006.

While I was pleased with CMS providing this additional protection for the vital drug therapies in the six protected classes, its actual impact on beneficiaries gaining access to the medications they need has been uneven at best. For one, the policy was issued as sub-regulatory guidance, which limits CMS' ability to enforce it. While it is true that the annual contracts CMS develops with prescription drug plans generally include a requirement that they abide by the ''all or substantially all'' guidance, the agency's record of enforcing the policy has been quite poor. Instead of plans covering all drugs in the six protected classes, as CMS claims plan contracts require, beneficiaries, often the most frail and vulnerable, have had extensive access problems because their PDPs do not include their medication on its formulary. In fact, data from a study being conducted by the American Psychiatric Institute for Research and Education, APIRE, released earlier this year, showed that roughly 68 percent of surveyed beneficiaries, many of them dual eligibles, experienced some sort of problem accessing the prescription drug they needed because their PDP's formulary did not cover it. This would suggest that CMS' current approach to enforcing the ''all or substantially all'' policy is woefully lacking.

I should note that beneficiaries often are able to access a drug that should be covered on their plan's formulary by filing a coverage appeal. However, that process is usually long and difficult to complete, and results in the problem only being solved for one beneficiary. I appreciate the responsiveness of drug plans to specific beneficiaries' difficulties with accessing the drugs they need, but if they are not addressing the concerns raised through the appeals process on a broader scale, problems will only continue to occur. I believe we need a system-wide approach to ensuring that beneficiaries have access to the life-saving and life-improving medications they need and I believe that solution lies within the legislation I am filing today.

The Access to Critical Medications Act ACMA would codify, for a 5-year period, the current policies in CMS existing ''all or substantially all'' sub-regulatory guidance. I am hopeful that providing this statutory authority will signal to plans that it is no longer an option to cover all available drugs in the six protected classes. It is a legal requirement that must be adhered to in order to participate in Medicare Part D. Accordingly, I would expect that this change will empower CMS to take a more proactive role in ensuring that prescription drug plan sponsors are not placing arbitrary barriers to accessing these critical medications covered by the ''all or substantially all'' policy.

During the 5 year period that the ''all or substantially all'' policy will be effective, the ACMA directs CMS to establish a process through regulation, that would allow for this important policy to be updated and enforced in future years. None of us hold the knowledge of the pharmaceutical and medical developments of tomorrow. In a decade, there could be major breakthroughs in treating any number of debilitating illnesses, which may require the creation of or modification of pharmaceutical classes covered by this important policy. CMS needs to have the authority to update the classes and categories it covers and the process the ACMA creates will provide them the tools to do that.

In order to use those tools, the ACMA defines specific, clinically-based criteria that the Secretary must follow when evaluating whether a drug class should be added or removed from coverage under the policy. This will ensure that there is consistency in the manner by which the policy is evaluated in future years, so that the Secretary is not arbitrarily determining which medications are important enough so that all plans must provide access to them. The ACMA also makes modest changes to the appeals process, to ensure that plans and CMS resolve beneficiary complaints in a timely manner, and that access to medications is guaranteed while the appeals process runs its course.

The existing ''all or substantially all'' policy was a step in the right direction at the time it was created. However, as we approach the third year of Medicare's prescription drug benefit, beneficiaries' actual experience in the program provides overwhelming support that we need a more robust approach to helping vulnerable beneficiaries get the medications they need.

As importantly, CMS must have a regulatory process in place that will enable it to modify the classes covered by the policy in response to changes in medical and pharmaceutical science. I believe the ACMA clearly addresses both those needs, and I hope my colleagues will agree. It is a well thought out policy that strikes a careful balance between flexibility and enforceability. Advocacy groups such as the American Psychiatric Association, the National Alliance for Mental Illness, Mental Health America, the AIDS Institute, the HIV Medicine Association and the Epilepsy Foundation all contributed to the development of ACMA and all now support the finished product. The Senate likely will consider Medicare legislation this fall, and I have already mentioned to Chairman BAUCUS that I would like to see this bill advance as part of that effort.

I ask unanimous consent that the text of therbill and letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1887

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 ''Medicare Access to Critical Medications Act of 2007''.

SEC. 2. FORMULARY REQUIREMENTS WITH RESPECT TO CERTAIN CATEGORIES AND CLASSES OF DRUGS.

(a) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

(1) INITIAL LIST.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended—

(A) in subparagraph (C)(i), by striking ''The formulary'' and inserting ''Subject to subparagraph (G), the formulary''; and

(B) by inserting after subparagraph (F) the following new subparagraph:

''(G) INITIAL LIST OF REQUIRED DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(i) IN GENERAL.—Subject to clause (iv), the formulary must include all or substantially all drugs in the following categories and classes that are available as of April 30 of the year prior to the year which includes the date of enactment of the Medicare Access to Critical Medications Act of 2007:

''(I) Immunosuppressant.

''(II) Antidepressant.

''(III) Antipsychotic.

''(IV) Anticonvulsant.

''(V) Antiretroviral.

''(VI) Antineoplastic.

''(ii) NEWLY APPROVED DRUGS.—

''(I) IN GENERAL.—In the case of a drug in any of the categories and classes described in subclauses (I) through (VI) of clause (i) that becomes available after the April 30 date described in clause (i), the formulary shall include such drug within 30 days of the drug becoming available, except that, in the case of such a drug that becomes available during the period beginning on such April 30 and ending on the date of enactment of the Medicare Access to Critical Medications Act of 2007, the formulary shall include such drug within 30 days of such date of enactment.

''(II) USE OF FORMULARY MANAGEMENT PRACTICES AND POLICIES.—Nothing in this clause shall be construed as preventing the Pharmacy and Therapeutic Committee of a PDP sponsor from advising such sponsor on the clinical appropriateness of utilizing formulary management practices and policies with respect to a newly approved drug that is required to be included on the formulary under subclause (I).

''(iii) UNIQUE DOSAGES AND FORMS.—A PDP sponsor of a prescription drug plan shall include coverage of all unique dosages and forms of drugs required to be included on the formulary pursuant to clause (i) or (ii).

''(iv) SUNSET.—The provisions of this subparagraph shall not apply after December 31 of the year which includes the date that is 5 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007.''

(2) REVIEW OF DRUGS COVERED UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)), as amended by paragraph (1), is amended—

(A) in subparagraph (C)(i), by striking ''subparagraph (G)'' and inserting ''subparagraphs (G) and (H)''; and

(B) by inserting after subparagraph (G) the following new subparagraph:

''(H) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(i) REQUIRED INCLUSION OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(I) IN GENERAL.—Beginning January 1 of the year after the year which includes the date that is 5 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007, PDP sponsors offering prescription drug plans shall be required to include all unique dosages and forms of all or substantially all drugs in certain categories and classes, including the categories and classes described in subclauses (I) through (VI) of subparagraph (G)(i), on the formulary of such plans within 30 days of the drug becoming available.

''(II) REGULATIONS.—Not later than January 1 of the year after the year which includes the date that is 4 years after the date of enactment of the Medicare Access to Critical Medications Act of 2007, the Secretary shall issue regulations to carry out this clause.

''(ii) PERIODIC REVIEW.—The Secretary shall establish procedures to provide for periodic review of the drugs required to be included on the formulary under clause (i).

''(iii) UPDATING.—

''(I) IN GENERAL.—The Secretary may update the list of drugs required to be included on the formulary under clause (i) if the Secretary determines, in accordance with this clause, that updating such list is appropriate.

''(II) ADDING CATEGORIES OR CLASSES.—In issuing the regulations under clause (i) and updating the list in order to add a drug in a category or class to the list of drugs required to be included on the formulary under such clause, the Secretary shall consider factors that justify requiring coverage of drugs in a certain category or class, including the following:

''(aa) Whether the drugs in a category or class are used to treat a disease or disorder that can cause significant negative clinical outcomes to individuals in a short timeframe.

''(bb) Whether there are special or unique benefits with respect to the majority of drugs in a given category or class.

''(cc) High predicted drug and medical costs for the diseases or disorders treated by the drugs in a given category or class.

''(dd) Whether restricted access to the drugs in the category or class has major clinical consequences for individuals enrolled in a prescription drug plan who have a disease or disorder treated by the drugs in such category or class.

''(ee) The potential for the development of discriminatory formulary policies based on the clinical or functional characteristics of such individuals and the high cost of certain drugs in a category or class.

''(ff) The need for access to multiple drugs within a category or class due to the unique chemical action and pharmacological effects of drugs within the category or class and any variation in clinical response based on differences in such individuals' metabolism, age, gender, ethnicity, comorbidities, drug-resistance, and severity of disease.

''(gg) Any applicable revisions that have been made to widely-accepted clinical practice guidelines endorsed by pertinent medical specialty organizations.

''(III) REMOVAL OF CATEGORIES OR CLASSES.—In updating the list in order to remove a drug in a category or class from the list of drugs required to be included on the formulary under clause (i), the Secretary may remove a drug from such list in the case where the Secretary determines that widely-accepted clinical practice guidelines endorsed by pertinent national medical specialty organizations indicate that, for substantially all drugs in the category or class, restricting access to such drugs is unlikely to result in adverse clinical consequences for individuals with conditions for which the drugs are clinically indicated.''.

(b) LIMITATION OF UTILIZATION MANAGEMENT TOOLS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—Section 1860D–4(c) of the Social Security Act (42 U.S.C. 1395w–104(c)) is amended—

(1) in paragraph (1)(A), by striking ''A cost-effective'' and inserting ''Subject to paragraph (3), a cost-effective''; and

(2) by adding at the end the following new paragraph:

''(3) LIMITATION OF UTILIZATION MANAGEMENT TOOLS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(A) IN GENERAL.—A PDP sponsor of a prescription drug plan may not apply a utilization management tool, such as prior authorization or step therapy, to the following:

''(i) During the period beginning on the date of enactment of this paragraph and ending on December 31 of the year which includes the date that is 5 years after such date of enactment—

''(I) a drug in a category or class described in subsection (b)(3)(G)(i)(V); and

''(II) a drug in a category or class described in subclause (I), (II), (III), (IV), or (VI) of subsection (b)(3)(G)(i) in the case where an enrollee was engaged in a treatment regimen using such drug in the 90-day period prior to the date on which such tool would be applied to the drug with respect to the enrollee under the plan or the PDP sponsor is unable to determine if the enrollee was engaged in such a treatment regimen prior to such date.

''(ii) Beginning January 1 of the year after the year which includes the date that is 5 years after the date of enactment of this paragraph—

''(I) a drug in a category or class described in subsection (b)(3)(G)(i)(V), if such drug is required to be included on the formulary under subsection (b)(3)(H); and

''(II) a drug in any other category or class required to be included on the formulary under subsection (b)(3)(H) in the case where an enrollee was engaged in a treatment regimen using such drug in the 90-day period prior to the date on which such tool would be applied to the drug with respect to the enrollee under the plan or the PDP sponsor is unable to determine if the enrollee was engaged in such a treatment regimen prior to such date

''(B) STATEMENT OF EVIDENCE BASE FOR APPLICATION OF UTILIZATION MANAGEMENT

TOOL.—In the case where a utilization management tool is applied to a drug in a category or class required to be included on a plan formulary under subparagraph (G) or (H) of subsection (b)(3), the PDP sponsor of such plan shall provide a statement of the evidence base substantiating the clinical appropriateness of the application of such tool.''.

(c) RULE OF CONSTRUCTION.—Nothing in the provisions of this section, or the amendments made by this section, shall be construed as prohibiting the Secretary of Health and Human Services from issuing guidance or regulations to establish formulary or utilization management requirements under section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) as long as they do not conflict with such provisions and amendments.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2008.

SEC. 3. APPEALS REQUIREMENTS FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS.

(a) COVERAGE DETERMINATIONS AND RECONSIDERATION.—Section 1860D–4(g) of the Social Security Act (42 U.S.C. 1395w–104(g)) is amended by adding at the end the following new paragraph:

''(3) REQUEST FOR A DETERMINATION OR RECONSIDERATION FOR THE TREATMENT OF DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(A) IN GENERAL.—In the case where an individual enrolled in a prescription drug plan disputes a utilization management requirement, an adverse coverage determination, a reconsideration by a PDP sponsor of a prescription drug plan, or an adverse reconsideration by an Independent Review Entity with respect to a covered part D drug in the categories and classes required to be included on the formulary under subparagraph (G) of subsection (b)(3) or under the regulations issued under subparagraph (H) of such subsection, the PDP sponsor shall continue to cover such prescription drug until the date that is not less that 60 days after the latest of the following has occurred:

''(i) The enrollee has received written notice of an adverse reconsideration by a PDP sponsor.

''(ii) In the case where an enrollee has requested reconsideration by an Independent Review Entity, such Entity has issued an adverse reconsideration.

''(iii) In the case where an appeal of such adverse reconsideration has been filed by the individual, an administrative law judge has decided or dismissed the appeal.

''(B) DEFINITION OF INDEPENDENT REVIEW ENTITY.—In this paragraph, the term 'Independent Review Entity' means the independent, outside entity the Secretary contracts with under section 1852(g)(4), including such an entity that the Secretary contracts with in order to meet the requirements of such section under section 1860D–4(h)(1).''.

(b) APPEALS.—Section 1860D–4(h) of the Social Security Act (42 U.S.C. 1395w–104(h)) is amended—

(1) in paragraph (2), by striking ''A part D'' and inserting ''Subject to paragraph (4), a part D''; and

(2) by adding at the end the following new paragraph:

''(4) TREATMENT OF APPEALS FOR DRUGS IN CERTAIN CATEGORIES AND CLASSES.—

''(A) IN GENERAL.—A part D eligible individual who is enrolled in a prescription drug plan offered by a PDP sponsor may appeal under paragraph (1) a determination by such sponsor not to provide coverage of a covered part D drug in a category or class required to be included on the formulary under subparagraph (G) of subsection (b)(3) or under the regulations issued under subparagraph (H) of such subsection at any time after such determination by requesting a reconsideration by an Independent Review Entity.

''(B) DEFINITION OF INDEPENDENT REVIEW ENTITY.—In this paragraph, the term 'Independent Review Entity' has the meaning given such term in subsection (g)(3)(B).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contract years beginning on or after January 1, 2008.

SEC. 4. DATA REPORTING REQUIREMENTS FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS UNDER THE MEDICARE PART D PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–4 of the Social Security Act (42 U.S.C. 1395w–104) is amended by adding at the end the following new subsection

''(l) DATA REPORTING FOR CERTAIN CATEGORIES AND CLASSES OF DRUGS.—

''(1) IN GENERAL.—A PDP sponsor offering a prescription drug plan shall disclose to the Secretary (in a manner specified by the Secretary) data at the plan level on the number of—

''(A) favorable and adverse decisions made with respect to exceptions requested to formulary policies—

''(i) during the period beginning on the date of enactment of this subsection and ending on December 31 of the year which includes the date that is 5 years after such date of enactment, for each of the categories and classes of drugs described in subclauses (I) through (VI) of subsection (b)(3)(G)(i); and

''(ii) beginning January 1 of the year after the year which includes the date that is 5 years after such date of enactment, for each of the categories and classes of drugs required to be included on the formulary under the regulations issued under subsection (b)(3)(H);

''(B) favorable and adverse coverage determinations made with respect to each of such categories and classes during the applicable period;

''(C) favorable and adverse reconsiderations made by a PDP sponsor with respect to each of such categories and classes during the applicable period;

''(D) favorable and adverse reconsiderations made by an Independent Review Entity (as defined in subsection (g)(3)(B)) with respect to each of such categories and classes during the applicable period; and

''(E) appeals made to an administrative law judge and the decisions made on such appeals with respect to each of such categories and classes during the applicable period.

''(2) ANNUAL REPORT.—The Secretary shall—

''(A) submit an annual report to Congress containing the data disclosed to the Secretary under paragraph (1); and

''(B) publish such report in the Federal Register.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to contract years beginning on or after January 1, 2008.

ACCESS TO CRITICAL MEDICATIONS COALITION,
July 20, 2007.

Hon. GORDON SMITH,
404 Russell Office Building,
Washington, DC.

DEAR SENATOR SMITH: We are writing on behalf of the Access to Critical Medications Coalition to offer our strong support for your Medicare Access to Critical Medications Act. The Coalition represents a diverse group of national and community-based patient, provider and advocacy organizations dedicated to ensuring that Medicare beneficiaries with HIV/AIDS, mental illnesses, epilepsy, cancer, organ failure, and autoimmune diseases have reliable access through Medicare Part D to the prescriptions that they need to stay healthy.

The Medicare Access to Critical Medications Act will strengthen protections for these medically vulnerable populations by codifying the requirement that Medicare Part D plans cover ''all or substantially all'' drugs in the six classes of drugs that are critical to treating HIV/AIDS, mental illnesses, cancer, epilepsy, autoimmune diseases such as Crohn's, and transplant patients. As you may know, coverage of nearly all of the drugs in these categories is standard practice among state Medicaid programs and private insurers because it is more cost effective and better for people with these conditions when clinicians have the flexibility to prescribe the drug or drugs most appropriate to manage the condition according to factors unique to them.

Passage of this bill is important because the current protections for these drug classes offered in Centers for Medicare and Medicaid (CMS) guidance are not guaranteed beyond this year and are being ignored by drug plans with no risk of sanctions. Surveys of HIV and mental health medical providers indicate that Medicare beneficiaries with these conditions have been hospitalized or experienced dangerous treatment interruptions due to challenges with Medicare Part D coverage, including burdensome prior authorization processes. Many of the beneficiaries reporting problems are very low-income and live on Supplemental Security Income (SSI) checks or modest disability payments. Paying out of pocket for drugs denied by Medicare Part D drug plans is not an option for most.

On behalf of Medicare beneficiaries with these life-threatening illnesses, thank you for your leadership in working to ensure access to critical medications through Medicare Part D by requiring drug plans to cover ''all or substantially all'' of the drugs available to treat these serious, but treatable conditions.

AMERICAN PSYCHIATRIC ASSOCIATION,
Arlington, VA, July 24, 2007.

Hon. GORDON SMITH,
U.S. Senate, 404 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR SMITH: I am writing on behalf of the American Psychiatric Association (AP A), the medical specialty representing more than 38,000 psychiatric physicians nationwide, to express our strong support for your Medicare Access to Critical Medications Act of 2007.

This bill will provide crucial protections in the Medicare Part D program for six classes of life-saving medications. Part D drug plans will be required to place substantially all anticancer, HIV/AIDS, and immunosuppressant medications on their formularies, as well as drugs that are important to people with severe mental illnesses—antipsychotics, antidepressants, and anticonvulsants. In addition, when a drug plan and a patient's physician disagree about whether a critical medication is needed, your legislation will require that the medication be covered until the appeals process can be completed.

Unfortunately, data from the first year of the Part D program point to the need for additional protections for patients with serious diseases. In 2006, an American Psychiatric Institute for Research and Education (APIRE) study tracked 1,193 dually-eligible Medicare/Medicaid psychiatric patients and found that 53.4 percent experienced at least one problem with medication access or continuity. Among these patients, 19.8 percent had a subsequent emergency room visit reported, and 11 percent had a hospitalization.

Furthermore, the study found that the most common medication classes with coverage problems included atypical antipsychotics, antidepressants, and anticonvulsants (West, Wilk, Muszynski et al, American Journal of Psychiatry, 164:5 May 2007).

Clearly, Part D patients will receive better care, and the Medicare program as a whole will save money, if access to important medications can be improved. Your legislation will create new statutory protections that will address a number of the most serious barriers.

We greatly appreciate your leadership—and the hard work of your staff Matthew Canedy and Catherine Finley—in addressing this serious problem.

Sincerely,

CAROLYN B. ROBINOWITZ, M.D.,
President.

By Ms. CANTWELL (for herself, Ms. SNOWE, Mr. INOUYE, Mr. STEVENS, Mr. LAUTENBERG, and Mr. LOTT):

S. 1892. A bill to reauthorize the Coast Guard for fiscal year 2008, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. CANTWELL. Mr. President, I rise today to introduce the Coast Guard Authorization Act for the fiscal year 2008 along with Senators SNOWE, INOUYE, STEVENS, LAUTENBERG, and LOTT. This comprehensive legislation will provide the Coast Guard with needed resources to carry out missions critical to our Nation's security, environmental protection, and fisheries enforcement.

The U.S. Coast Guard plays a critical role in keeping our oceans, coasts, and waterways safe, secure, and free from environmental harm. After September 11 and Hurricane Katrina, the Coast Guard has been a source of strength. As marine traffic grows, the number of security threats in our ports increases. Climate change is raising the stakes of another Katrina happening.

The Coast Guard faces many challenges, and those serving in the Coast Guard routinely serve with discipline and courage. From saving lives during natural disasters like Hurricanes Katrina and Rita, to protecting our shores in a post-9/11 world, the Coast Guard has served America well, and continues to serve us every day.

Each year, maritime smugglers transport thousands of aliens to the U.S. with virtual impunity because the existing law does not sufficiently punish or deter such conduct. During fiscal years 2004 and 2005, over 840 mariners made $13.9 million smuggling people into the U.S. illegally. Less than 3 percent of those who were interdicted were referred for prosecution.

This bill gives the Coast Guard the authority it needs to prosecute mariners who intentionally smuggle aliens on board their vessels with a reckless disregard of our laws. It also provides protection for legitimate mariners who encounter stowaways or those who may need medical attention.

Our Nation relies heavily on polar icebreakers to conduct missions in the Arctic and Antarctic. They conduct vital research on the oceans and climate, resupply U.S. outposts in Antarctica, and provide one of our Nation's only platforms for carrying out security and rescue missions in some of the world's most rapidly changing environments.

Currently, the United States' icebreaking capabilities lie with the Coast Guard's three vessels: the *HEALY*; the *Polar Sea*; and the *Polar Star*. But the fleet is aging rapidly and requires extensive maintenance. In fact, the *Polar Star* is currently not even operational because the Coast Guard lacks the resources required to maintain this vessel.

With increased climate change, the role of icebreakers is changing. With an ice-free Arctic summer expected by 2050, more and more international expeditions will be headed to the region to examine newly revealed oil and gas reserves and other natural resources.

Canada, Russia and other countries will begin to compete with America over jurisdiction and, without a strong polar icebreaker fleet, our Nation will suffer a severe disadvantage.

A recent 2007 report by the National Academy of Sciences found that the U.S. needs to maintain polar icebreaking capacity and construct at least two new polar icebreakers. This bill follows those recommendations.

This bill includes many provisions of the Oil Pollution Prevention and Response Act of 2007, which I introduced on June 14, 2007. These provisions are vital for the environmental protection of our Nation's oceans and coasts. For example, this bill would require improved coordination with federally-recognized tribes on oil spill prevention, preparedness, and response. It would also address oil spills resulting from the transfer of oil to or from vessels, spills resulting from human error, and small oil spills that are an all-too-common occurrence in many of our waterways.

For my home State of Washington, it provides a mechanism for year-round funding of the Neah Bay response tug, a key element of the oil spill prevention safety net for Washington State's Olympic Coast. It would also increase oil spill preparedness in the Strait of Juan de Fuca by changing the definition of ''High Volume Port Line'' so as to deliver better incident response throughout Puget Sound.

The Coast Guard is responsible for ensuring our country's security, marine safety and protecting our environment and fisheries. Every day the Coast Guard carries out these missions and does so with limited resources. It is our job to ensure the Coast Guard has the tools it requires to continue getting the job done. This bill will go a long way towards that goal. I urge my colleagues to consider this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1892

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 ''Coast Guard Authorization Act for Fiscal Year 2008''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—AUTHORIZATIONS

Sec. 101. Authorization of appropriations.
Sec. 102. Authorized levels of military strength and training.
Sec. 103. Web-based risk management data system.

TITLE II—ORGANIZATION

Sec. 201. Vice commandant; vice admirals.
Sec. 202. Merchant Mariner Medical Advisory Committee.
Sec. 203. Authority to distribute funds through grants, cooperative agreements, and contracts to maritime authorities and organizations.
Sec. 204. Assistance to foreign governments and maritime authorities.

TITLE III—PERSONNEL

Sec. 301. Emergency leave retention authority.
Sec. 302. Legal assistance for Coast Guard reservists.
Sec. 303. Reimbursement for certain medical-related travel expenses.
Sec. 304. Number and distribution of commissioned officers on the active duty promotion list.
Sec. 305. Reserve commissioned warrant officer to lieutenant program.
Sec. 306. Enhanced status quo officer promotion system.
Sec. 307. Appointment of civilian Coast Guard judges.
Sec. 308. Coast Guard Participation in the Armed Forces Retirement Home (AFRH) System.

TITLE IV—ADMINISTRATION

Sec. 401. Cooperative Agreements for Industrial Activities.
Sec. 402. Defining Coast Guard vessels and aircraft.
Sec. 403. Specialized industrial facilities.
Sec. 404. Authority to construct Coast Guard recreational facilities.

TITLE V—SHIPPING AND NAVIGATION

Sec. 501. Technical amendments to chapter 313 of title 46, United States Code.
Sec. 502. Clarification of rulemaking authority.
Sec. 503. Coast Guard to maintain LORAN-C navigation system.
Sec. 504. Nantucket Sound ship channel weather buoy.
Sec. 505. Limitation on maritime liens on fishing permits.
Sec. 506. Vessel rebuild determinations.

TITLE VI—MARITIME LAW ENFORCEMENT

Sec. 601. Maritime law enforcement.

TITLE VII—OIL POLLUTION PREVENTION

Sec. 701. Rulemakings.
Sec. 702. Oil spill response capability.
Sec. 703. Oil transfers from vessels.
Sec. 704. Improvements to reduce human error and near-miss incidents.
Sec. 705. Olympic Coast National Marine Sanctuary.

Sec. 706. Prevention of small oil spills.
Sec. 707. Improved coordination with tribal governments.
Sec. 708. Report on the availability of technology to detect the loss of oil.
Sec. 709. Use of oil spill liability trust fund.
Sec. 710. International efforts on enforcement.
Sec. 711. Grant project for development of cost-effective detection technologies.
Sec. 712. Higher volume port area regulatory definition change.
Sec. 713. Response tugs.
Sec. 714. Tug escorts for laden oil tankers.
Sec. 715. Extension of financial responsibility.
Sec. 716. Vessel traffic risk assessments.
Sec. 717. Oil spill liability trust fund investment amount.
Sec. 718. Liability for use of unsafe single-hull vessels.

TITLE VIII—MARITIME HAZARDOUS CARGO SECURITY

Sec. 801. International committee for the safe and secure transportation of especially hazardous cargo.
Sec. 802. Validation of compliance with ISPFC standards.
Sec. 803. Safety and security assistance for foreign ports.
Sec. 804. Coast Guard port assistance program.
Sec. 805. EHC facility risk-based cost sharing.
Sec. 806. Transportation security incident mitigation plan.
Sec. 807. Incident command system training.
Sec. 808. Pre-positioning interoperable communications equipment at interagency operational centers.
Sec. 809. Definitions.

TITLE IX—MISCELLANEOUS PROVISIONS

Sec. 901. Marine mammals and sea turtles report.
Sec. 902. Umpqua lighthouse land conveyance.
Sec. 903. Lands to be held in trust.
Sec. 904. Data.
Sec. 905. Extension.
Sec. 906. Forward operating facility.
Sec. 907. Enclosed hangar at Air Station Barbers Point, Hawaii.
Sec. 908. Conveyance of decommissioned Coast Guard Cutter STORIS.
Sec. 909. Conveyance of the Presque Isle Light Station Fresnel Lens to Presque Isle Township, Michigan.
Sec. 910. Repeals.
Sec. 911. Report on ship traffic.
Sec. 912. Small vessel exception from definition of fish processing vessel.
Sec. 913. Right of first refusal for Coast Guard property on Jupiter Island, Florida.
Sec. 914. Ship disposal working group.
Sec. 915. Full multi-mission response station in Valdez, Alaska.
Sec. 916. Protection and fair treatment of seafarers.
Sec. 917. Icebreakers.
Sec. 918. Fur Seal Act authorization.
Sec. 919. Study of relocation of Coast Guard Sector Buffalo facilities.
Sec. 920. Inspector General report on Coast Guard dive program.

TITLE I—AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2008 as follows:

(1) For the operation and maintenance of the Coast Guard, $5,894,295,000, of which $24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(2) For the acquisition, construction, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $998,068,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, to remain available until expended; such funds appropriated for personnel compensation and benefits and related costs of acquisition, construction, and improvements shall be available for procurement of services necessary to carry out the Integrated Deepwater Systems program.

(3) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, $1,184,720,000.

(4) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $12,079,000.

(5) For research, development, test, and evaluation programs related to maritime technology, $17,583,000.

(6) For operation and maintenance of the Coast Guard reserve program, $126,883,000.

(7) For the construction of a new Chelsea Street Bridge in Chelsea, Massachusetts, $3,000,000.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2008.

(b) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2008, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 2,500 student years.

(2) For flight training, 165 student years.

(3) For professional training in military and civilian institutions, 350 student years.

(4) For officer acquisition, 1,200 student years.

SEC. 103. WEB-BASED RISK MANAGEMENT DATA SYSTEM.

(a) IN GENERAL.—There are authorized to be appropriated $1,000,000 for each of fiscal years 2008 and 2009 to the Secretary of the department in which the Coast Guard is operating to continue deployment of a World Wide Web-based risk management system to help reduce accidents and fatalities.

(b) IMPLEMENTATION STATUS REPORT.—Within 90 days after the date of enactment of this Act, the Commandant of the Coast Guard shall submit a report to the Senate Committee on Commerce, Science, and Transportation on the status of implementation of the system.

TITLE II—ORGANIZATION

SEC. 201. VICE COMMANDANT; VICE ADMIRALS.

(a) VICE COMMANDANT.—The fourth sentence of section 47 of title 14, United States Code, is amended by striking ''vice admiral'' and inserting ''admiral''.

(b) VICE ADMIRALS.—Section 50 of such title is amended to read as follows:

"§ 50. Vice admirals

''(a)(1) The President may designate no more than 4 positions of importance and responsibility that shall be held by officers who—

''(A) while so serving, shall have the grade of vice admiral, with the pay and allowances of that grade; and

''(B) shall perform such duties as the Commandant may prescribe.

''(2) The President may appoint, by and with the advice and consent of the Senate, and reappoint, by and with the advice and consent of the Senate, to any such position an officer of the Coast Guard who is serving on active duty above the grade of captain. The Commandant shall make recommendations for such appointments.

''(b)(1) The appointment and the grade of vice admiral shall be effective on the date the officer assumes that duty and, except as provided in paragraph (2) of this subsection or in section 51(d) of this title, shall terminate on the date the officer is detached from that duty.

''(2) An officer who is appointed to a position designated under subsection (a) shall continue to hold the grade of vice admiral—

''(A) while under orders transferring the officer to another position designated under subsection (a), beginning on the date the officer is detached from that duty and terminating on the date before the day the officer assumes the subsequent duty, but not for more than 60 days;

''(B) while hospitalized, beginning on the day of the hospitalization and ending on the day the officer is discharged from the hospital, but not for more than 180 days; and

''(C) while awaiting retirement, beginning on the date the officer is detached from duty and ending on the day before the officer's retirement, but not for more than 60 days.

''(c)(1) An appointment of an officer under subsection (a) does not vacate the permanent grade held by the officer.

''(2) An officer serving in a grade above rear admiral who holds the permanent grade of rear admiral (lower half) shall be considered for promotion to the permanent grade of rear admiral as if the officer was serving in the officer's permanent grade.

''(d) Whenever a vacancy occurs in a position designated under subsection (a), the Commandant shall inform the President of the qualifications needed by an officer serving in that position or office to carry out effectively the duties and responsibilities of that position or office.''.

(c) REPEAL.—Section 50a of such title is repealed.

(d) CONFORMING AMENDMENTS.—Section 51 of such title is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) An officer, other than the Commandant, who, while serving in the grade of admiral or vice admiral, is retired for physical disability shall be placed on the retired list with the highest grade in which that officer served.

''(b) An officer, other than the Commandant, who is retired while serving in the grade of admiral or vice admiral, or who, after serving at least 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, may in the discretion of the President, be retired with the highest grade in which that officer served.

''(c) An officer, other than the Commandant, who, after serving less than 2½ years in the grade of admiral or vice admiral, is retired while serving in a lower grade, shall be retired in his permanent grade.''; and

(2) by striking ''Area Commander, or Chief of Staff'' in subsection (d)(2) and inserting ''or Vice Admiral''.

(e) CLERICAL AMENDMENTS.—

(1) The section caption for section 47 of such title is amended to read as follows:

"§ 47. Vice commandant; appointment".

(2) The chapter analysis for chapter 3 of such title is amended—

(A) by striking the item relating to section 47 and inserting the following:

''47. Vice Commandant; appointment'';

(B) by striking the item relating to section 50a; and

(C) by striking the item relating to section 50 and inserting the following:

''50. Vice admirals''.

(f) TECHNICAL CORRECTION.—Section 47 of such title is further amended by striking ''subsection'' in the fifth sentence and inserting ''section''.

SEC. 202. MERCHANT MARINER MEDICAL ADVISORY COMMITTEE.

(a) IN GENERAL.—Chapter 3 of title 14, United States Code, is amended by adding at the end the following new section:

''§ 55. Merchant Mariner Medical Advisory Committee

''(a) ESTABLISHMENT; MEMBERSHIP; STATUS.—

''(1) There is established a Merchant Mariner Medical Advisory Committee.

''(2) The Committee shall consist of 12 members, none of whom shall be a Federal employee—

''(A) 10 of whom shall be health-care professionals with particular expertise, knowledge, or experience regarding the medical examinations of merchant mariners or occupational medicine; and

''(B) 2 of whom shall be professional mariners with knowledge and experience in mariner occupational requirements.

''(3) Members of the Committee shall not be considered Federal employees or otherwise in the service or the employment of the Federal Government, except that members shall be considered special Government employees, as defined in section 202(a) of title 18 and any administrative standards of conduct applicable to the employees of the department in which the Coast Guard is operating.

''(b) APPOINTMENTS; TERMS; VACANCIES; ORGANIZATION.—

''(1) The Secretary shall appoint the members of the Committee, and each member shall serve at the pleasure of the Secretary.

''(2) The members shall be appointed for a term of 3 years, except that, of the members first appointed, 3 members shall be appointed for a term of 2 years and 3 members shall be appointed for a term of 1 year.

''(3) Any member appointed to fill the vacancy prior to the expiration of the term for which such member's predecessor was appointed shall be appointed for the remainder of such term.

''(4) The Secretary shall designate 1 member as the Chairman and 1 member as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

''(5) No later than 6 months after the date of enactment of the Coast Guard Authorization Act for Fiscal Year 2008, the Committee shall hold its first meeting.

''(c) FUNCTION.—The Committee shall advise the Secretary on matters relating to—

''(1) medical certification determinations for issuance of merchant mariner credentials;

''(2) medical standards and guidelines for the physical qualifications of operators of commercial vessels;

''(3) medical examiner education; and

''(4) medical research.

''(d) COMPENSATION; REIMBURSEMENT.—Members of the Committee shall serve without compensation, except that, while engaged in the performance of duties away from their homes or regular places of business of the member, the member of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5.

''(e) STAFF; SERVICES.—The Secretary shall furnish to the Committee such personnel and services as are considered necessary for the conduct of its business.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 3 of such title is amended by adding at the end the following:

''55. Merchant Mariner Medical Advisory Committee.''.

SEC. 203. AUTHORITY TO DISTRIBUTE FUNDS THROUGH GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS TO MARITIME AUTHORITIES AND ORGANIZATIONS.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

''(c) GRANTS TO INTERNATIONAL MARITIME ORGANIZATIONS.—The Commandant may, after consultation with the Secretary of State, make grants to, or enter into cooperative agreements, contracts, or other agreements with, international maritime organizations for the purpose of acquiring information or data about merchant vessel inspections, security, safety and environmental requirements, classification, and port state or flag state law enforcement or oversight.''.

SEC. 204. ASSISTANCE TO FOREIGN GOVERNMENTS AND MARITIME AUTHORITIES.

Section 149 of title 14, United States Code, is amended by adding at the end the following:

''(d) AUTHORIZED ACTIVITIES.—

''(1) The Commandant may transfer or expend funds from any appropriation available to the Coast Guard for—

''(A) the activities of traveling contact teams, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

''(B) the activities of maritime authority liaison teams of foreign governments making reciprocal visits to Coast Guard units, including any transportation expense, translation services expense, or administrative expense that is related to such activities;

''(C) seminars and conferences involving members of maritime authorities of foreign governments;

''(D) distribution of publications pertinent to engagement with maritime authorities of foreign governments; and

''(E) personnel expenses for Coast Guard civilian and military personnel to the extent that those expenses relate to participation in an activity described in subparagraph (C) or (D).

''(2) An activity may not be conducted under this subsection with a foreign country unless the Secretary of State approves the conduct of such activity in that foreign country.''.

TITLE III—PERSONNEL

SEC. 301. EMERGENCY LEAVE RETENTION AUTHORITY.

Section 701(f)(2) of title 10, United States Code, is amended by inserting ''or a declaration of a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. 5121 et seq.)'' after ''operation''.

SEC. 302. LEGAL ASSISTANCE FOR COAST GUARD RESERVISTS.

Section 1044(a)(4) of title 10, United States Code, is amended—

(1) by striking ''(as determined by the Secretary of Defense),'' and inserting ''(as determined by the Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy),''; and

(2) by striking ''prescribed by the Secretary of Defense,'' and inserting ''prescribed by Secretary of Defense and the Secretary of the department in which the Coast Guard is operating, with respect to the Coast Guard when it is not operating as a service of the Navy,''.

SEC. 303. REIMBURSEMENT FOR CERTAIN MEDICAL-RELATED TRAVEL EXPENSES.

Section 1074i(a) of title 10, United States Code, is amended—

(1) by striking ''IN GENERAL.—In'' and inserting ''IN GENERAL.—(1) In''; and

(2) by adding at the end the following:

''(2) In any case in which a covered beneficiary resides on an INCONUS island that lacks public access roads to the mainland and is referred by a primary care physician to a specialty care provider on the mainland who provides services less than 100 miles from the location in which the beneficiary resides, the Secretary shall reimburse the reasonable travel expenses of the covered beneficiary, and, when accompaniment by an adult is necessary, for a parent or guardian of the covered beneficiary or another member of the covered beneficiary's family who is at least 21 years of age.''.

SEC. 304. NUMBER AND DISTRIBUTION OF COMMISSIONED OFFICERS ON THE ACTIVE DUTY PROMOTION LIST.

(a) IN GENERAL.—Section 42 of title 14, United States Code, is amended—

(1) by striking subsections (a), (b), and (c) and inserting the following:

''(a) The total number of Coast Guard commissioned officers on the active duty promotion list, excluding warrant officers, shall not exceed 6,700. This total number may be temporarily increased up to 2 percent for no more than the 60 days that follow the commissioning of a Coast Guard Academy class.

''(b) The total number of commissioned officers authorized by this section shall be distributed in grade not to exceed the following percentages:

''(1) 0.375 percent for rear admiral.

''(2) 0.375 percent for rear admiral (lower half).

''(3) 6.0 percent for captain.

''(4) 15.0 percent for commander.

''(5) 22.0 percent for lieutenant commander.

The Secretary shall prescribe the percentages applicable to the grades of lieutenant, lieutenant (junior grade), and ensign. The Secretary may, as the needs of the Coast Guard require, reduce any of the percentages set forth in paragraphs (1) through (5) and apply that total percentage reduction to any other lower grade or combination of lower grades.

''(c) The Secretary shall, at least once a year, compute the total number of commissioned officers authorized to serve in each grade by applying the grade distribution percentages of this section to the total number of commissioned officers listed on the current active duty promotion list. In making such calculations, any fraction shall be rounded to the nearest whole number. The number of commissioned officers on the active duty promotion list serving with other departments or agencies on a reimbursable basis or excluded under the provisions of section 324(d) of title 49, shall not be counted against the total number of commissioned officers authorized to serve in each grade.'';

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

''(e) The number of officers authorized to be serving on active duty in each grade of the permanent commissioned teaching staff of the Coast Guard Academy and of the Reserve serving in connection with organizing, administering, recruiting, instructing, or training the reserve components shall be prescribed by the Secretary.''; and

(3) by striking the caption of such section and inserting the following:

"§ 42. Number and distribution of commissioned officers on the active duty promotion list".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 3 of such title is amended by striking the item relating to section 42 and inserting the following:

"42. Number and distribution of commissioned officers on the active duty promotion list".

SEC. 305. RESERVE COMMISSIONED WARRANT OFFICER TO LIEUTENANT PROGRAM.

Section 214(a) of title 14, United States Code, is amended to read as follows:

"(a) The President may appoint temporary commissioned officers—

"(1) in the Regular Coast Guard in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers, warrant officers, and enlisted members of the Coast Guard, and from licensed officers of the United States merchant marine; and

"(2) in the Coast Guard Reserve in a grade, not above lieutenant, appropriate to their qualifications, experience, and length of service, as the needs of the Coast Guard may require, from among the commissioned warrant officers of the Coast Guard Reserve.".

SEC. 306. ENHANCED STATUS QUO OFFICER PROMOTION SYSTEM.

(a) Section 253(a) of title 14, United States Code, is amended—

(1) by inserting "and" after "considered,"; and

(2) by striking "consideration, and the number of officers the board may recommend for promotion" and inserting "consideration".

(b) Section 258 of such title is amended—

(1) by inserting "(a)" before "The Secretary"; and

(2) by adding at the end the following:

"(b) In addition to the information provided pursuant to subsection (a), the Secretary may furnish the selection board—

"(1) specific direction relating to the needs of the service for officers having particular skills, including direction relating to the need for a minimum number of officers with particular skills within a specialty; and

"(2) such other guidance that the Secretary believes may be necessary to enable the board to properly perform its functions. Selections made based on the direction and guidance provided under this subsection shall not exceed the maximum percentage of officers who may be selected from below the announced promotion zone at any given selection board convened under section 251 of this title.".

(c) Section 259(a) of such title is amended by striking "board" the second place it appears and inserting "board, giving due consideration to the needs of the service for officers with particular skills so noted in the specific direction furnished pursuant to section 258 of this title,".

(d) Section 260(b) of such title is amended by inserting "to meet the needs of the service (as noted in the specific direction furnished the board under section 258 of this title)" after "qualified for promotion".

SEC. 307. APPOINTMENT OF CIVILIAN COAST GUARD JUDGES.

Section 875 of the Homeland Security Act of 2002 (6 U.S.C. 455) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

"(c) APPOINTMENT OF JUDGES.—The Secretary may appoint civilian employees of the Department of Homeland Security as appellate military judges, available for assignment to the Coast Guard Court of Criminal Appeals as provided for in section 866(a) of title 10, United States Code.".

SEC. 308. COAST GUARD PARTICIPATION IN THE ARMED FORCES RETIREMENT HOME SYSTEM.

(a) ELIGIBILITY UNDER THE ARMED FORCES RETIREMENT HOME ACT.—Section 1502 of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended—

(1) by striking "does not include the Coast Guard when it is not operating as a service of the Navy." in paragraph (4) and inserting "has the meaning given such term in section 101(4) of title 10.";

(2) by striking "and" in paragraph (5)(C);

(3) by striking "Affairs." in paragraph (5)(D) and inserting "Affairs; and";

(4) by adding at the end of paragraph (5) the following:

"(E) the Assistant Commandant of the Coast Guard for Human Resources."; and

(5) by adding at the end of paragraph (6) the following:

"(E) The Master Chief Petty Officer of the Coast Guard.".

(b) DEDUCTIONS.—

(1) Section 2772 of title 10, United States Code, is amended—

(A) by striking "of the military department" in subsection (a);

(B) by striking "Armed Forces Retirement Home Board" in subsection (b) and inserting "Chief Operating Officer of the Armed Forces Retirement Home"; and

(C) by striking subsection (c).

(2) Section 1007(i) of title 37, United States Code, is amended—

(A) by striking "Armed Forces Retirement Home Board" in paragraph (3) and inserting "Chief Operating Officer of the Armed Forces Retirement Home"; and

(B) by striking "does not include the Coast Guard when it is not operating as a service of the Navy." in paragraph (4) and inserting "has the meaning given such term in section 101(4) of title 10.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the first pay period beginning on or after January 1, 2008.

TITLE IV—ADMINISTRATION

SEC. 401. COOPERATIVE AGREEMENTS FOR INDUSTRIAL ACTIVITIES.

Section 151 of title 14, United States Code, is amended—

(1) by inserting "(a) IN GENERAL.—" before "All orders"; and

(2) by adding at the end the following:

"(b) ORDERS AND AGREEMENTS FOR INDUSTRIAL ACTIVITIES.—Under this section, the Coast Guard industrial activities may accept orders and enter into reimbursable agreements with establishments, agencies, and departments of the Department of Defense and the Department of Homeland Security.".

SEC. 402. DEFINING COAST GUARD VESSELS AND AIRCRAFT.

(a) IN GENERAL.—Chapter 17 of title 14, United States Code, is amended by inserting after section 638 the following new section:

"§ 638a. Coast Guard vessels and aircraft defined

"For the purposes of sections 637 and 638 of this title, the term Coast Guard vessels and aircraft means—

"(1) any vessel or aircraft owned, leased, transferred to, or operated by the Coast Guard and under the command of a Coast Guard member; and

"(2) any other vessel or aircraft under the tactical control of the Coast Guard on which one or more members of the Coast Guard are assigned and conducting Coast Guard missions.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of such title is amended by inserting after the item relating to section 638 the following:

"638a. Coast Guard vessels and aircraft defined.".

SEC. 403. SPECIALIZED INDUSTRIAL FACILITIES.

(a) IN GENERAL.—Section 648 of title 14, United States Code, is amended—

(1) by striking the section caption and inserting the following:

"§ 648. Specialized industrial facilities" ;

(2) by inserting "(a) IN GENERAL.—" before "The Secretary"; and

(3) by adding at the end the following:

"(b) PUBLIC-PRIVATE PARTNERSHIPS OR OTHER COOPERATIVE ARRANGEMENTS.—

"(1) IN GENERAL.—For purposes of entering into joint public-private partnerships or other cooperative arrangements for the performance of work to provide supplies or services for government use, the Coast Guard Yard, the Aviation Repair and Supply Center, or other similar Coast Guard industrial establishments may—

"(A) enter into agreements or other arrangements with public or private entities, foreign or domestic;

"(B) pursuant to contracts or other arrangements, receive and retain funds from, or pay funds to, such public or private entities; or

"(C) accept contributions of funds, materials, services, or the use of facilities from such public or private entities, subject to regulations promulgated by the Coast Guard.

"(2) ACCOUNTING FOR FUNDS RECEIVED.—Amounts received under this subsection may be credited to the Coast Guard Yard Revolving Fund or other appropriate Coast Guard account.

"(3) REIMBURSEMENT.—Any partnership, agreement, contract, or arrangement entered into under this section shall require the private entity to reimburse the Coast Guard for such entity's proportional share of the operating and capital costs of maintaining and operating such facility, as determined by the Commandant of the Coast Guard.

"(4) NONINTERFERENCE.—No partnership, agreement, contract, or arrangement entered into under this section may interfere with the performance of any operational or support function of the Coast Guard industrial establishment.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 17 of such title is amended by striking item relating to section 648 and inserting the following:

"648. Specialized industrial facilities".

SEC. 404. AUTHORITY TO CONSTRUCT COAST GUARD RECREATIONAL FACILITIES.

(a) GENERAL AUTHORITY.—Section 681 of title 14, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "housing or military unaccompanied housing" and inserting "housing, military unaccompanied housing, or Coast Guard recreational facilities"; and

(B) by adding at the end the following:

"(3) Coast Guard recreational facilities."; and

(2) by striking "housing or military unaccompanied housing" in subsection (b) and inserting "housing, military unaccompanied housing, or Coast Guard recreational facilities".

(b) DIRECT LOANS.—Section 682 of such title is amended—

(1) by inserting after "military unaccompanied housing" in subsection (a)(1) the following: "or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities"; and

(2) by inserting after "military unaccompanied housing" in subsection (b)(1) the following: "or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities".

(c) LEASING OF HOUSING TO BE CONSTRUCTED.—Section 683(a) of such title is amended by striking ''or military unaccompanied housing units'' and inserting ''units, military unaccompanied housing units, or Coast Guard recreational facilities''.

(d) LIMITED PARTNERSHIPS WITH ELIGIBLE ENTITIES.—Section 684 of such title is amended—

(1) by inserting after ''military unaccompanied housing'' in subsection (a) the following: ''or facilities that the Secretary determines are suitable for use as Coast Guard recreational facilities'';

(2) by striking ''construction of housing, means the total amount of the costs included in the basis of the housing'' in subsection (b)(3) and inserting ''construction of housing or facilities, means the total amount of the costs included in the basis of the housing or facilities''; and

(3) by inserting ''or facilities'' in subsection (c) after ''housing units''.

(e) DEPOSIT OF CERTAIN AMOUNTS IN COAST GUARD HOUSING FUND.—Section 687 of such title is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking ''or unaccompanied housing'' and inserting '', military unaccompanied housing, or Coast Guard recreational facilities''; and

(B) in paragraph (3), by striking ''and military unaccompanied housing'' and inserting '', military unaccompanied housing, and Coast Guard recreational facilities''; and

(2) by striking ''and military unaccompanied housing units'' in subsection (c)(1) and inserting '', military unaccompanied housing units, and Coast Guard recreational facilities''.

(f) REPORTS.—Section 688 of such title is amended—

(1) by inserting after ''housing units'' in paragraph (1) the following: ''or Coast Guard recreational facilities''; and

(2) by striking ''and military unaccompanied housing'' in paragraph (4) and inserting '', military unaccompanied housing, and Coast Guard recreational facilities''.

(g) DEFINITIONS.—Section 680 of such title is amended—

(1) by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively;

(2) by inserting before paragraph (2), as redesignated by paragraph (1) of this subsection, the following:

''(1) The term 'Coast Guard recreational facilities' means recreation lodging buildings, recreation housing units, and ancillary supporting facilities constructed, maintained, and used by the Coast Guard to provide rest and recreation amenities for military personnel.''; and

(3) by striking ''housing units and ancillary supporting facilities or the improvement or rehabilitation of existing units'' in paragraph (2), as redesignated by paragraph (1) of this subsection, and inserting ''housing units or Coast Guard recreational facilities and ancillary supporting facilities or the improvement or rehabilitation of existing units or facilities''.

TITLE V—SHIPPING AND NAVIGATION

SEC. 501. TECHNICAL AMENDMENTS TO CHAPTER 313 OF TITLE 46, UNITED STATES CODE.

(a) IN GENERAL.—Chapter 313 of title 46, United States Code, is amended—

(1) by striking ''of Transportation'' in sections 31302, 31306, 31321, 31330, and 31343 each place it appears;

(2) by striking ''and'' after the semicolon in section 31301(5)(F);

(3) by striking ''office.'' in section 31301(6) and inserting ''office; and''; and

(4) by adding at the end of section 31301 the following:

''(7) 'Secretary' means the Secretary of the Department of Homeland Security, unless otherwise noted.''.

(b) SECRETARY AS MORTGAGEE.—Section 31308 of such title is amended by striking ''When the Secretary of Commerce or Transportation is a mortgagee under this chapter, the Secretary'' and inserting ''The Secretary of Commerce or Transportation, as a mortgagee under this chapter,''.

(c) SECRETARY OF TRANSPORTATION.—Section 31329(d) of such title is amended by inserting ''of Transportation'' after ''Secretary''.

(d) MORTGAGEE.—

(1) Section 31330(a)(1) of such title is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''Transportation; or'' in subparagraph (C) and inserting ''Transportation.''; and

(C) by striking subparagraph (D).

(2) Section 31330(a)(2) is amended—

(A) by inserting ''or'' after the semicolon in subparagraph (B);

(B) by striking ''faith; or'' in subparagraph (C) and inserting ''faith.''; and

(C) by striking subparagraph (D).

SEC. 502. CLARIFICATION OF RULEMAKING AUTHORITY.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by adding at the end the following:

''§ 70122. Regulations

''Unless otherwise provided, the Secretary may issue regulations necessary to implement this chapter.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 701 of such title is amended by adding at the end the following new item:

''70122. Regulations''.

SEC. 503. COAST GUARD TO MAINTAIN LORAN-C NAVIGATION SYSTEM.

(a) IN GENERAL.—The Secretary of Transportation shall maintain the LORAN-C navigation system until such time as the Secretary is authorized by statute, explicitly referencing this section, to cease operating the system.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation, in addition to funds authorized under section 101 of this Act for the Coast Guard for operation of the LORAN-C system, for capital expenses related to the LORAN-C infrastructure, $25,000,000 for each of fiscal years 2008 and 2009. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the Department of Transportation such funds as may be necessary to reimburse the Coast Guard for related expenses.

SEC. 504. NANTUCKET SOUND SHIP CHANNEL WEATHER BUOY.

Within 180 days after the date of enactment of this Act, the National Weather Service shall deploy a weather buoy adjacent to the main ship channel of Nantucket Sound.

SEC. 505. LIMITATION ON MARITIME LIENS ON FISHING PERMITS.

(a) IN GENERAL.—Subchapter I of chapter 313 of title 46, United States Code, is amended by adding at the end the following:

''§ 31310. Limitation on maritime liens on fishing permits

''(a) IN GENERAL.—A maritime lien shall not attach to a permit that—

''(1) authorizes use of a vessel to engage in fishing; and

''(2) is issued under State or Federal law.

''(b) LIMITATION ON ENFORCEMENT.—No civil action may be brought to enforce a maritime lien on a permit described in subsection (a).

''(c) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in subsections (a) and (b) shall be construed as imposing any limitation upon the authority of the Secretary of Commerce to modify, suspend, revoke, or sanction any Federal fishery permit issued by the Secretary of Commerce or to bring a civil action to enforce such modification, suspension, revocation, or sanction.''.

(b) CLERICAL AMENDMENT.—The analysis for such chapter is amended by inserting after the item relating to section 31309 the following:

''31310. Limitation on maritime liens on fishing permits.''.

SEC. 506. VESSEL REBUILD DETERMINATIONS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall provide a report on Coast Guard rebuild determinations under section 67.177 of title 46, Code of Federal Regulations. Specifically, the report shall provide recommendations for—

(1) improving the application of the ''major component test'' under such section;

(2) a review of the application of the steelweight calculation thresholds under such section;

(3) recommendations for improving transparency in the Coast Guard's foreign rebuild determination process; and

(4) recommendations on whether or not there should be limits or cumulative caps on the amount of steel work that can be done to the hull and superstructure of a vessel in foreign shipyards over the life of the vessel.

(b) REPORT DEADLINE.—The Secretary shall provide this report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 90 days after the enactment of this Act.

TITLE VI—MARITIME LAW ENFORCEMENT

SEC. 601. MARITIME LAW ENFORCEMENT.

(a) IN GENERAL.—Subtitle VII of title 46, United States Code, is amended by adding at the end the following:

''CHAPTER 707—MARITIME LAW ENFORCEMENT

''Sec.
''70701. Offense
''70702. Attempt or conspiracy
''70703. Affirmative defenses
''70704. Penalties
''70705. Criminal forfeiture
''70706. Civil forfeiture
''70707. Extraterritorial jurisdiction
''70708. Claim of failure to comply with international law; jurisdiction of court
''70709. Federal activities
''70710. Definitions

''§ 70701. Offense

''It shall be unlawful for any person on board a covered vessel to transport or facilitate the transportation, harboring, or concealment of an alien on board such vessel knowing or having reason to believe that the alien is attempting to unlawfully enter the United States.

''§ 70702. Attempt or conspiracy

''Any person on board a covered vessel who attempts or conspires to commit a violation of section 70701 shall be subject to the same penalties as those prescribed for the violation, the commission of which was the object of the attempt or conspiracy.

''§ 70703. Affirmative defenses

''It is an affirmative defense to a prosecution under this section, which the defendant must prove by a preponderance of the evidence, that—

''(1)(A) the alien was on board pursuant to a rescue at sea, or was a stowaway; or

''(B) the entry into the United States was a necessary response to an imminent threat of death or serious bodily injury to the alien;

''(2) the defendant, as soon as reasonably practicable, informed the Coast Guard of the presence of the alien on the vessel and the circumstances of the rescue; and

''(3) the defendant complied with all orders given by law enforcement officials of the United States.

''§ 70704. Penalties

''(a) IN GENERAL.—Any person who commits a violation of this chapter shall be fined or imprisoned, or both, in accordance with subsection (b) and (c) of this section. For purposes of subsection (b), each individual on board a vessel with respect to whom the violation occurs shall be treated as a separate violation.

''(b) FINES.—Any person who commits a violation of this chapter shall be fined not more than $100,000, except that—

''(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be fined not more than $500,000; and

''(2) in any case where the violation causes or results in the death of any person regardless of where the death occurs, the person shall be fined not more than $1,000,000, or both.

''(c) IMPRISONMENT.—Any person who commits a violation of this chapter shall be imprisoned for not less than 3 nor more than 20 years, except that—

''(1) in any case in which the violation causes serious bodily injury to any person, regardless of where the injury occurs, the person shall be imprisoned for not less than 7 nor more than 30 years; and

''(2) in any case where the violation causes or results in the death of any person regardless of where the death occurs, the person shall be imprisoned for not less than 10 years nor more than life.

''§ 70705. Criminal forfeiture

''The court, at the time of sentencing a person convicted of an offense under this chapter, shall order forfeited to the United States any vessel used in the offense in the same manner and to the same extent as if it were a vessel used in an offense under section 274 of the Immigration and Nationality Act (8 U.S.C. 1324).

''§ 70706. Civil forfeiture

''A vessel that has been used in the commission of a violation of this chapter shall be seized and subject to forfeiture in the same manner and to the same extent as if it were used in the commission of a violation of section 274(a) of the Immigration and Nationality Act (8 U.S.C. 1324(a)).

''§ 70707. Extraterritorial jurisdiction

''There is extraterritorial jurisdiction of an offense under this chapter.

''§ 70708. Claim of failure to comply with international law; jurisdiction of court

''A claim of failure to comply with international law in the enforcement of this chapter may be invoked as a basis for a defense solely by a foreign nation. A failure to comply with international law shall not divest a court of jurisdiction or otherwise constitute a defense to any proceeding under this chapter.

''§ 70709. Federal activities

''Nothing in this chapter applies to otherwise lawful activities carried out by or at the direction of the United States Government.

''§ 70710. Definitions

''In this chapter:

''(1) ALIEN.—The term 'alien' has the meaning given that term in section 70105(f).

''(2) COVERED VESSEL.—The term 'covered vessel' means a vessel of the United States, or a vessel subject to the jurisdiction of the United States, that is less than 300 gross tons (or an alternate tonnage prescribed by the Secretary under section 14104 of this title) as measured under section 14502 of this title.

''(3) SERIOUS BODILY INJURY.—The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18, United States Code.

''(4) UNITED STATES.—The term 'United States' has the meaning given that term in section 2101.

''(5) VESSEL OF THE UNITED STATES.—The term 'vessel of the United States' has the meaning given that term in section 70502.

''(6) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the meaning given that term in section 70502.''.

(b) CLERICAL AMENDMENT.—The analysis for such subtitle is amended by inserting after the item relating to chapter 705 the following:

''707. Maritime Law Enforcement .....70701.''.

TITLE VII—OIL POLLUTION PREVENTION

SEC. 701. RULEMAKINGS.

(a) STATUS REPORT.—

(1) IN GENERAL.—Within 90 days after the date of enactment of this Act, the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the status of all Coast Guard rulemakings required (but for which no final rule has been issued as of the date of enactment of this Act)—

(A) under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.); and

(B) for—

(i) automatic identification systems required under section 70114 of title 46, United States Code; and

(ii) inspection requirements for towing vessels required under section 3306(j) of that title.

(2) INFORMATION REQUIRED.—The Secretary shall include in the report required by paragraph (1)—

(A) a detailed explanation with respect to each such rulemaking as to—

(i) what steps have been completed;

(ii) what areas remain to be addressed; and

(iii) the cause of any delays; and

(B) the date by which a final rule may reasonably be expected to be issued.

(b) FINAL RULES.—The Secretary shall issue a final rule in each pending rulemaking under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) as soon as practicable, but in no event later than 18 months after the date of enactment of this Act.

SEC. 702. OIL SPILL RESPONSE CAPABILITY.

(a) SAFETY STANDARDS FOR TOWING VESSELS.—In promulgating regulations for towing vessels under chapter 33 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall—

(1) give priority to completing such regulations for towing operations involving tank vessels; and

(2) consider the possible application of standards that, as of the date of enactment of this Act, apply to self-propelled tank vessels, and any modifications that may be necessary for application to towing vessels due to ship design, safety, and other relevant factors.

(b) REDUCTION OF OIL SPILL RISK IN BUZZARDS BAY.—No later than January 1, 2008, the Secretary of the department in which the Coast Guard is operating shall promulgate a final rule for Buzzards Bay, Massachusetts, pursuant to the notice of proposed rulemaking published on March 29, 2006, (71 Fed. Reg. 15649), after taking into consideration public comments submitted pursuant to that notice, to adopt measures to reduce the risk of oil spills in Buzzards Bay, Massachusetts.

(c) REPORTING.—The Secretary shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Resources on the extent to which tank vessels in Buzzards Bay, Massachusetts, are using routes recommended by the Coast Guard.

SEC. 703. OIL TRANSFERS FROM VESSELS.

(a) REGULATIONS.—Within 1 year after the date of enactment of this Act, the Secretary shall promulgate regulations to reduce the risks of oil spills in operations involving the transfer of oil from or to a tank vessel. The regulations—

(1) shall focus on operations that have the highest risks of discharge, including operations at night and in inclement weather; and

(2) shall consider—

(A) requirements for use of equipment, such as putting booms in place for transfers;

(B) operational procedures such as manning standards, communications protocols, and restrictions on operations in high-risk areas; or

(C) both such requirements and operational procedures.

(b) APPLICATION WITH STATE LAWS.—The regulations promulgated under subsection (a) do not preclude the enforcement of any State law or regulation the requirements of which are at least as stringent as requirements under the regulations (as determined by the Secretary) that—

(1) applies in State waters;

(2) does not conflict with, or interfere with the enforcement of, requirements and operational procedures under the regulations; and

(3) has been enacted or promulgated before the date of enactment of this Act.

SEC. 704. IMPROVEMENTS TO REDUCE HUMAN ERROR AND NEAR-MISS INCIDENTS.

(a) REPORT.—Within 1 year after the date of enactment of this Act, the Secretary shall transmit a report to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Transportation and Infrastructure that, using available data—

(1) identifies the types of human errors that, combined, account for over 50 percent of all oil spills involving vessels that have been caused by human error in the past 10 years;

(2) identifies the most frequent types of near-miss oil spill incidents involving vessels such as collisions, groundings, and loss of propulsion in the past 10 years;

(3) describes the extent to which there are gaps in the data with respect to the information required under paragraphs (1) and (2) and explains the reason for those gaps; and

(4) includes recommendations by the Secretary to address the identified types of errors and incidents and to address any such gaps in the data.

(b) MEASURES.—Based on the findings contained in the report required by subsection (a), the Secretary shall take appropriate action, both domestically and at the International Maritime Organization, to reduce the risk of oil spills from human errors.

SEC. 705. OLYMPIC COAST NATIONAL MARINE SANCTUARY.

(a) OLYMPIC COAST NATIONAL MARINE SANCTUARY AREA TO BE AVOIDED.—The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere shall revise the area

to be avoided off the coast of the State of Washington so that restrictions apply to all vessels required to prepare a response plan under section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) (other than fishing or research vessels while engaged in fishing or research within the area to be avoided).

(b) EMERGENCY OIL SPILL DRILL.—

(1) IN GENERAL.—In cooperation with the Secretary, the Under Secretary of Commerce for Oceans and Atmosphere shall conduct a Safe Seas oil spill drill in the Olympic Coast National Marine Sanctuary in fiscal year 2008. The Secretary and the Under Secretary of Commerce for Oceans and Atmosphere jointly shall coordinate with other Federal agencies, State, local, and tribal governmental entities, and other appropriate entities, in conducting this drill.

(2) OTHER REQUIRED DRILLS.—Nothing in this subsection supersedes any Coast Guard requirement for conducting emergency oil spill drills in the Olympic Coast National Marine Sanctuary. The Secretary shall consider conducting regular field exercises, such as National Preparedness for Response Exercise Program (PREP) in other national marine sanctuaries.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere for fiscal year 2008 $700,000 to carry out this subsection.

SEC. 706. PREVENTION OF SMALL OIL SPILLS.

(a) IN GENERAL.—The Under Secretary of Commerce for Oceans and Atmosphere, in consultation with other appropriate agencies, shall establish an oil spill prevention and education program for small vessels. The program shall provide for assessment, outreach, and training and voluntary compliance activities to prevent and improve the effective response to oil spills from vessels and facilities not required to prepare a vessel response plan under the Federal Water Pollution Control Act, including recreational vessels, commercial fishing vessels, marinas, and aquaculture facilities. The Under Secretary may provide grants to sea grant colleges and institutes designated under section 207 of the National Sea Grant College Program Act (33 U.S.C. 1126) and to State agencies, tribal governments, and other appropriate entities to carry out—

(1) regional assessments to quantify the source, incidence and volume of small oil spills, focusing initially on regions in the country where, in the past 10 years, the incidence of such spills is estimated to be the highest;

(2) voluntary, incentive-based clean marina programs that encourage marina operators, recreational boaters and small commercial vessel operators to engage in environmentally sound operating and maintenance procedures and best management practices to prevent or reduce pollution from oil spills and other sources;

(3) cooperative oil spill prevention education programs that promote public understanding of the impacts of spilled oil and provide useful information and techniques to minimize pollution including methods to remove oil and reduce oil contamination of bilge water, prevent accidental spills during maintenance and refueling and properly cleanup and dispose of oil and hazardous substances; and

(4) support for programs, including outreach and education to address derelict vessels and the threat of such vessels sinking and discharging oil and other hazardous substances, including outreach and education to involve efforts to the owners of such vessels.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Under Secretary of Commerce for Oceans and Atmosphere to carry out this section, $10,000,000 annually for each of fiscal years 2008 through 2012.

SEC. 707. IMPROVED COORDINATION WITH TRIBAL GOVERNMENTS.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Secretary shall complete the development of a tribal consultation policy, which recognizes and protects to the maximum extent practicable tribal treaty rights and trust assets in order to improve the Coast Guard's consultation and coordination with the tribal governments of federally recognized Indian tribes with respect to oil spill prevention, preparedness, response and natural resource damage assessment.

(b) NATIONAL PLANNING.—The Secretary shall assist tribal governments to participate in the development and capacity to implement the National Contingency Plan and local Area Contingency Plans to the extent they affect tribal lands, cultural and natural resources. The Secretary shall ensure that in regions where oil spills are likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the potentially affected tribes are included as part of the regional response team cochaired by the Coast Guard and the Environmental Protection Agency to establish policies for responding to oil spills; and

(2) provide training of tribal incident commanders and spill responders.

(c) INCLUSION OF TRIBAL GOVERNMENT.—The Secretary shall ensure that, as soon as practicable after identifying an oil spill that is likely to have an impact on natural or cultural resources owned or utilized by a federally recognized Indian tribe, the Coast Guard will—

(1) ensure that representatives of the tribal government of the affected tribes are included as part of the incident command system established by the Coast Guard to respond to the spill;

(2) share information about the oil spill with the tribal government of the affected tribe; and

(3) to the extent practicable, involve tribal governments in deciding how to respond to such spill.

(d) COOPERATIVE ARRANGEMENTS.—The Coast Guard may enter into memoranda of agreement and associated protocols with Indian tribal governments in order to establish cooperative arrangements for oil pollution prevention, preparedness, and response. Such memoranda may be entered into prior to the development of the tribal consultation and coordination policy to provide Indian tribes grant and contract assistance and may include training for preparedness and response and provisions on coordination in the event of a spill. As part of these memoranda of agreement, the Secretary may carry out demonstration projects to assist tribal governments in building the capacity to protect tribal treaty rights and trust assets from oil spills to the maximum extent possible.

(e) FUNDING FOR TRIBAL PARTICIPATION.—Subject to the availability of appropriations, the Commandant of the Coast Guard shall provide assistance to participating tribal governments in order to facilitate the implementation of cooperative arrangements under subsection (d) and ensure the participation of tribal governments in such arrangements. There are authorized to be appropriated to the Commandant $500,000 for each of fiscal years 2008 through 2012 to be used to carry out this section.

SEC. 708. REPORT ON THE AVAILABILITY OF TECHNOLOGY TO DETECT THE LOSS OF OIL.

Within 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce on the availability, feasibility, and potential cost of technology to detect the loss of oil carried as cargo or as fuel on tank and non-tank vessels greater than 400 gross tons.

SEC. 709. USE OF OIL SPILL LIABILITY TRUST FUND.

Section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)) is amended—

(1) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively; and

(2) by inserting after subparagraph (A) the following:

''(B) not more than $15,000,000 in each fiscal year shall be available to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred by, and activities related to, response and damage assessment capabilities of the National Oceanic and Atmospheric Administration;''.

SEC. 710. INTERNATIONAL EFFORTS ON ENFORCEMENT.

The Secretary, in consultation with the heads of other appropriate Federal agencies, shall ensure that the Coast Guard pursues stronger enforcement in the International Maritime Organization of agreements related to oil discharges, including joint enforcement operations, training, and stronger compliance mechanisms.

SEC. 711. GRANT PROJECT FOR DEVELOPMENT OF COST-EFFECTIVE DETECTION TECHNOLOGIES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commandant shall establish a grant program for the development of cost-effective technologies, such as infrared, pressure sensors, and remote sensing, for detecting discharges of oil from vessels as well as methods and technologies for improving detection and recovery of submerged and sinking oils.

(b) MATCHING REQUIREMENT.—The Federal share of any project funded under subsection (a) may not exceed 50 percent of the total cost of the project.

(c) REPORT TO CONGRESS.—Not later than 3 years after the date of enactment of this Act the Secretary shall provide a report to the Senate Committee on Commerce, Science, and Transportation, and to the House of Representatives Committee on Transportation and Infrastructure on the results of the program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant to carry out this section $2,000,000 for each of fiscal years 2008, 2009, and 2010, to remain available until expended.

(e) TRANSFER PROHIBITED.—Administration of the program established under subsection (a) may not be transferred within the Department of Homeland Security or to another department or Federal agency.

SEC. 712. HIGHER VOLUME PORT AREA REGULATORY DEFINITION CHANGE.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, notwithstanding subchapter 5 of title 5, United States Code, the Commandant shall modify the definition of the term ''higher volume port area'' in section 155.1020 of the Coast Guard regulations (33 C.F.R. 155.1020) by striking ''Port Angeles, WA'' in paragraph (13) of that section and inserting ''Cape Flattery, WA'' without initiating a rulemaking proceeding.

(b) EMERGENCY RESPONSE PLAN REVIEWS.—Within 5 years after the date of enactment of

this Act, the Coast Guard shall complete its review of any changes to emergency response plans pursuant to the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) resulting from the modification of the higher volume port area definition required by subsection (a).

SEC. 713. RESPONSE TUGS.

(a) IN GENERAL.—Paragraph (5) of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)) is amended by adding at the end the following:

''(J) RESPONSE TUG.—

''(i) IN GENERAL.—The Secretary shall require the stationing of a year round response tug of a minimum of 70-tons bollard pull in the entry to the Strait of Juan de Fuca at Neah Bay capable of providing rapid assistance and towing capability to disabled vessels during severe weather conditions.

''(ii) SHARED RESOURCES.—The Secretary may authorize compliance with the response tug stationing requirement of clause (i) through joint or shared resources between or among entities to which this subsection applies.

''(iii) EXISTING STATE AUTHORITY NOT AFFECTED.—Nothing in this subparagraph supersedes or interferes with any existing authority of a State with respect to the stationing of rescue tugs in any area under State law or regulations.

''(iv) ADMINISTRATION.—In carrying out this subparagraph, the Secretary—

''(I) shall require the vessel response plan holders to negotiate and adopt a cost-sharing formula and a schedule for carrying out this subparagraph by no later than June 1, 2008;

''(II) shall establish a cost-sharing formula and a schedule for carrying out this subparagraph by no later than July 1, 2008 (without regard to the requirements of chapter 5 of title 5, United States Code) if the vessel response plan holders fail to adopt the cost-sharing formula and schedule required by subclause (I) of this clause by June 1, 2008; and

''(III) shall implement clauses (i) and (ii) of this subparagraph by June 1, 2008, without a rulemaking and without regard to the requirements of chapter 5 of title 5, United States Code.

''(v) LONG TERM TUG CAPABILITIES.—Within 6 months after implementing clauses (i) and (ii), and section 707 of the Coast Guard Authorization Act for Fiscal Year 2008, the Secretary shall execute a contract with the National Academy of Sciences to conduct a study of regional response tug and salvage needs for Washington's Olympic coast. In developing the scope of the study, the National Academy of Sciences shall consult with Federal, State, and Tribal trustees as well as relevant stakeholders. The study—

''(I) shall define the needed capabilities, equipment, and facilities for a response tug in the entry to the Strait of Juan de Fuca at Neah Bay in order to optimize oil spill protection on Washington's Olympic coast, provide rescue towing services, oil spill response, and salvage and fire-fighting capabilities;

'''(II) shall analyze the tug's multi-mission capabilities as well as its ability to utilize cached salvage, oil spill response, and oil storage equipment while responding to a spill or a vessel in distress and make recommendations as to the placement of this equipment;

''(III) shall address scenarios that consider all vessel types and weather conditions and compare current Neah Bay tug capabilities, costs, and benefits with other United States industry funded response tugs, including those currently operating in Alaska's Prince William Sound;

''(IV) shall determine whether the current level of protection afforded by the Neah Bay response tug and associated response equipment is comparable to protection in other locations where response tugs operate, including Prince William Sound, and if it is not comparable, shall make recommendations as to how capabilities, equipment, and facilities should be modified to achieve optimum protection.''.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 2008 such sums as necessary to carry out section 311(j)(5)(J)(v) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)(5)(J)(v)).

SEC. 714. TUG ESCORTS FOR LADEN OIL TANKERS.

Within 1 year after the date of enactment of this Act, the Secretary of State, in consultation with the Commandant, shall enter into negotiations with the Government of Canada to ensure that tugboat escorts are required for all tank ships with a capacity over 40,000 deadweight tons in the Strait of Juan de Fuca, Strait of Georgia, and in Haro Strait. The Commandant shall consult with the State of Washington and affected tribal governments during negotiations with the Government of Canada.

SEC. 715. EXTENSION OF FINANCIAL RESPONSIBILITY.

Section 1016(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2716(a)) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by inserting ''or'' after the semicolon in paragraph (2); and

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

''(3) any tank vessel over 100 gross tons (except a non-self-propelled vessel that does not carry oil as cargo) using any place subject to the jurisdiction of the United States;''.

SEC. 716. VESSEL TRAFFIC RISK ASSESSMENTS.

(a) REQUIREMENT.—The Commandant of the Coast guard, acting through the appropriate Area Committee established under section 311(j)(4) of the Federal Water Pollution Control Act, shall prepare a vessel traffic risk assessment—

(1) for Cook Inlet, Alaska, within 1 year after the date of enactment of this Act; and

(2) for the Aleutian Islands, Alaska, within 2 years after the date of enactment of this Act.

(b) CONTENTS.—Each of the assessments shall describe, for the region covered by the assessment—

(1) the amount and character of present and estimated future shipping traffic in the region; and

(2) the current and projected use and effectiveness in reducing risk, of—

(A) traffic separation schemes and routing measures;

(B) long-range vessel tracking systems developed under section 70115 of title 46, United States Code;

(C) towing, response, or escort tugs;

(D) vessel traffic services;

(E) emergency towing packages on vessels;

(F) increased spill response equipment including equipment appropriate for severe weather and sea conditions;

(G) the Automatic Identification System developed under section 70114 of title 46, United States Code;

(H) particularly sensitive sea areas, areas to be avoided, and other traffic exclusion zones;

(i) aids to navigation; and

(J) vessel response plans.

(c) RECOMMENDATIONS.—

(1) IN GENERAL.—Each of the assessments shall include any appropriate recommendations to enhance the safety and security, or lessen potential adverse environmental impacts, of marine shipping.

(2) CONSULTATION.—Before making any recommendations under paragraph (1) for a region, the Area Committee shall consult with affected local, State, and Federal government agencies, representatives of the fishing industry, Alaska Natives from the region, the conservation community, and the merchant shipping and oil transportation industries.

(d) PROVISION TO CONGRESS.—The Commandant shall provide a copy of each assessment to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commandant $1,800,000 for each of fiscal years 2008 and 2009 to conduct the assessments.

SEC. 717. OIL SPILL LIABILITY TRUST FUND INVESTMENT AMOUNT.

Within 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the amount invested in income producing securities under section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by $12,851,340..

SEC. 718. LIABILITY FOR USE OF UNSAFE SINGLE-HULL VESSELS.

Section 1001(32) of the Oil Pollution Act of 1990 (33 U.S.C. 2701(32)) is amended by striking subparagraph (A) and inserting the following:

''(A) VESSELS.—In the case of a vessel (other than a vessel described in section 3703a(b) of title 46, United States Code)—

''(i) any person owning, operating, or demise chartering the vessel; and

''(ii) the owner of oil being transported in a tank vessel with a single hull after December 31, 2010, if the owner of the oil knew, or should have known, from publicly available information that the vessel had a poor safety or operational record.''.

TITLE VIII—MARITIME HAZARDOUS CARGO SECURITY

SEC. 801. INTERNATIONAL COMMITTEE FOR THE SAFE AND SECURE TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGO.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70109 the following:

''§ 70109A. International committee for the safe and secure transportation of especially hazardous cargo

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State and other appropriate entities, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, establish a committee within the International Maritime Organization that includes representatives of United States trading partners that supply tank or break-bulk shipments of especially hazardous cargo to the United States.

''(b) SAFE AND SECURE LOADING, UNLOADING, AND TRANSPORTATION OF ESPECIALLY HAZARDOUS CARGOES.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and in consultation with the International Standards Organization and shipping industry stakeholders, shall develop protocols, procedures, standards, and requirements for receiving, handling, loading, unloading, vessel crewing, and transportation of especially hazardous cargo to promote the safe and secure operation of ports, facilities, and vessels that transport especially hazardous cargo to the United States.

''(c) DEADLINES.—The Secretary shall—

''(1) initiate the development of the committee within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

''(2) endeavor to have the protocols, procedures, standards, and requirements developed by the committee take effect within 3 years after the date of enactment of that Act.

''(d) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on the development, implementation, and administration of the protocols, procedures, standards, and requirements developed by the committee established under subsection (a).''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating the section 70109 the following:

''70109A. International committee for the safe and secure transportation of especially hazardous cargo''.

SEC. 802. VALIDATION OF COMPLIANCE WITH ISPFC STANDARDS.

(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended by inserting after section 70110 the following:

''70110A. Port safety and security validations

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of State, shall, in a manner consistent with international treaties, conventions, and agreements to which the United States is a party, develop and implement a voluntary program under which foreign ports and facilities can certify their compliance with applicable International Ship and Port Facility Code standards.

''(b) THIRD-PARTY VALIDATION.—

''(1) IN GENERAL.—In carrying out this section, the Secretary, in cooperation with the International Maritime Organization and the International Standards Organization, shall develop and implement a program under which independent, third-party entities are certified to validate a foreign port's or facility's compliance under the program developed under subsection (a).

''(2) PROGRAM COMPONENTS.—The international program shall include—

''(A) international inspection protocols and procedures;

''(B) minimum validation standards to ensure a port or facility meets the applicable International Ship and Port Facility Code standards;

''(C) recognition for foreign ports or facilities that exceed the minimum standards;

''(D) uniform performance metrics by which inspection validations are to be conducted;

''(E) a process for notifying a port or facility, and its host nation, of areas of concern about the port's or facility's failure to comply with International Ship and Port Facility Code standards;

''(F) provisional or probationary validations;

''(G) conditions under which routine monitoring is to occur if a port or facility receives a provisional or probationary validation;

''(H) a process by which failed validations can be appealed; and

''(I) an appropriate cycle for re-inspection and validation.

''(c) CERTIFICATION OF THIRD PARTY ENTITIES.—The Secretary may not certify a third party entity to validate ports or facilities under subsection (b) unless—

''(1) the entity demonstrates to the satisfaction of the Secretary the ability to perform validations in accordance with the standards, protocols, procedures, and requirements established by the program implemented under subsection (a); and

''(2) the entity has no beneficial interest in or any direct control over the port and facilities being inspected and validated.

''(d) MONITORING—The Secretary shall regularly monitor and audit the operations of each third party entity conducting validations under this section to ensure that it is meeting the minimum standards, operating protocols, procedures, and requirements established by international agreement.

''(e) REVOCATION.—The Secretary shall revoke the certification of any entity determined by the Secretary not to meet the minimum standards, operating protocol, procedures, and requirements established by international agreement for third party entity validations.

''(f) PROTECTION OF SECURITY AND PROPRIETARY INFORMATION.—In carrying out this section, the Secretary shall take appropriate actions to protect from disclosure information that—

''(1) is security sensitive, proprietary, or business sensitive; or

''(2) is otherwise not appropriately in the public domain.

''(g) DEADLINES.—The Secretary shall—

''(1) initiate procedures to carry out this section within 180 days after the date of enactment of the Maritime Hazardous Cargo Security Act; and

''(2) develop standards under subsection (b) for third party validation within 2 years after the date of enactment of that Act.

''(h) REPORTS.—The Secretary shall report annually to the Senate Committee on Commerce, Science, and Transportation, the House of Representatives Committee on Transportation and Infrastructure, and the House of Representatives Committee on Homeland Security on activities conducted pursuant to this section.''.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 701 of title 46, United States Code, is amended by inserting after the item relating to section 70110 the following:

''70110A. Port safety and security validations''.

SEC. 803. SAFETY AND SECURITY ASSISTANCE FOR FOREIGN PORTS.

(a) IN GENERAL.—Section 70110(e)(1) of title 46, United States Code, is amended by striking the second sentence and inserting the following: ''The Secretary shall establish a strategic plan to utilize those assistance programs to assist ports and facilities that are found by the Secretary under subsection (a) not to maintain effective antiterrorism measures in the implementation of port security antiterrorism measures.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 70110 of title 46, United States Code, is amended—

(A) by inserting ''**or facilities**'' after ''**ports**'' in the section heading;

(B) by inserting ''or facility'' after ''port'' each place it appears; and

(C) by striking ''PORTS'' in the heading for subsection (e) and inserting ''PORTS, FACILITIES,''.

(2) The chapter analysis for chapter 701 of title 46, United States Code, is amended by striking the item relating to section 70110 and inserting the following:

''70110. Actions and assistance for foreign ports or facilities and United States territories''.

SEC. 804. COAST GUARD PORT ASSISTANCE PROGRAM.

Section 70110 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) COAST GUARD ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—The Secretary may lend, lease, donate, or otherwise provide equipment, and provide technical training and support, to the owner or operator of a foreign port or facility—

''(A) to assist in bringing the port or facility into compliance with applicable International Ship and Port Facility Code standards;

''(B) to assist the port or facility in meeting standards established under section 70109A of this chapter; and

''(C) to assist the port or facility in exceeding the standards described in subparagraph (A) and (B).

''(2) CONDITIONS.—The Secretary—

''(A) shall provide such assistance based upon an assessment of the risks to the security of the United States and the inability of the owner or operator of the port or facility otherwise to bring the port or facility into compliance with those standards and to maintain compliance with them;

''(B) may not provide such assistance unless the facility or port has been subjected to a comprehensive port security assessment by the Coast Guard or a third party entity certified by the Secretary under section 70110A(b) to validate foreign port or facility compliance with International Ship and Port Facility Code standards; and

''(C) may only lend, lease, or otherwise provide equipment that the Secretary has first determined is not required by the Coast Guard for the performance of its missions.''.

SEC. 805. EHC FACILITY RISK-BASED COST SHARING.

The Commandant shall identify facilities sited or constructed on or adjacent to the navigable waters of the United States that receive, handle, load, or unload especially hazardous cargos that pose a risk greater than an acceptable risk threshold, as determined by the Secretary under a uniform risk assessment methodology. The Secretary may establish a security cost-share plan to assist the Coast Guard in providing security for the transportation of especially hazardous cargo to such facilities.

SEC. 806. TRANSPORTATION SECURITY INCIDENT MITIGATION PLAN.

Section 70103(b)(2) of title 46, United States Code, is amended—

(1) by redesignating subparagraphs (E) through (G) as subparagraphs (F) through (H), respectively; and

(2) by inserting after subparagraph (D) the following:

''(E) establish regional response and recovery protocols to prepare for, respond to, mitigate against, and recover from a transportation security incident consistent with section 202 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 942) and section 70103(a) of title 46, United States Code;''.

SEC. 807. INCIDENT COMMAND SYSTEM TRAINING.

The Secretary shall ensure that Federal, State, and local personnel responsible for the safety and security of vessels in port carrying especially hazardous cargo have successfully completed training in the Department of Homeland Security's incident command system protocols.

SEC. 808. PRE-POSITIONING INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.

Section 70107A of title 46, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

''(e) DEPLOYMENT OF INTEROPERABLE COMMUNICATIONS EQUIPMENT AT INTERAGENCY OPERATIONAL CENTERS.—

''(1) IN GENERAL.—The Secretary shall ensure that interoperable communications

technology is deployed at all interagency operational centers established under subsection (a).

''(2) CONSIDERATIONS.—In carrying out paragraph (1), the Secretary shall consider the continuing technological evolution of communications technologies and devices, with its implicit risk of obsolescence, and shall ensure, to the maximum extent feasible, that a substantial part of the technology deployed involves prenegotiated contracts and other arrangements for rapid deployment of equipment, supplies, and systems rather than the warehousing or storage of equipment and supplies currently available at the time the technology is deployed.

''(3) REQUIREMENTS AND CHARACTERISTICS.—The interoperable communications technology deployed under paragraph (1) shall—

''(A) be capable of re-establishing communications when existing infrastructure is damaged or destroyed in an emergency or a major disaster;

''(B) include appropriate current, widely-used equipment, such as Land Mobile Radio Systems, cellular telephones and satellite equipment, Cells-On-Wheels, Cells-On-Light-Trucks, or other self-contained mobile cell sites that can be towed, backup batteries, generators, fuel, and computers;

''(C) include contracts (including prenegotiated contracts) for rapid delivery of the most current technology available from commercial sources;

''(D) include arrangements for training to ensure that personnel are familiar with the operation of the equipment and devices to be delivered pursuant to such contracts; and

''(E) be utilized as appropriate during live area exercises conducted by the United States Coast Guard.

''(4) ADDITIONAL CHARACTERISTICS.—Portions of the communications technology deployed under paragraph (1) may be virtual and may include items donated on an in-kind contribution basis.

''(5) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed or interpreted to preclude the use of funds under this section by the Secretary for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.''.

SEC. 809. DEFINITIONS.

In this title:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) ESPECIALLY HAZARDOUS CARGO.—The term ''especially hazardous cargo'' means any substance identified by the Secretary of the department in which the Coast Guard is operating as especially hazardous cargo.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the department in which the Coast Guard is operating.

TITLE IX—MISCELLANEOUS PROVISIONS

SEC. 901. MARINE MAMMALS AND SEA TURTLES REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on Coast Guard activities with respect to the protection of marine mammals and sea turtles under United States statutes and international agreements.

(b) REQUIRED CONTENT.—The Secretary shall include in the report, at a minimum—

(1) a detailed summary of actions that the Coast Guard has undertaken annually from fiscal year 2000 through fiscal year 2007 with respect to enforcement efforts, and cooperative agreements and activities with other Federal and State agencies, training programs, and other initiatives;

(2) an annual summary for fiscal year 2000 through fiscal year 2007 by Coast Guard district of the level of effort measured by personnel hours and other available data, for enforcement of the Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.), the Endangered Species Act (16 U.S.C. 1531 et seq.), and the Marine Mammal Protection Act (16 U.S.C. 1361 et seq.) as well as international agreements that include provisions on sea turtles or marine mammals to which the United States is a party; and

(3) a summary of any new Coast Guard initiatives for this mission area.

SEC. 902. UMPQUA LIGHTHOUSE LAND CONVEYANCE.

(a) CONVEYANCE AUTHORIZED.—

(1) IN GENERAL.—The Commandant of the Coast Guard may convey to Douglas County, Oregon, all right, title, and interest of the United States in and to the Umpqua Lighthouse property, including improvements thereon, for the purpose of permitting the County to use the property as a park.

(2) PROPERTY DESCRIPTION.—

(A) IN GENERAL.—The Umpqua Lighthouse property is the parcel of approximately 14.81 acres of Coast Guard controlled land located in the NW ¼ of sec. 13, T. 22 S., R. 13 W., Willamette Meridian, and identified as Exhibit A on the aerial map entitled ''U.S. Coast Guard Property at Salmon Harbor/Winchester Bay, Oregon'' dated February 22, 2006.

(B) SURVEYS.—The exact acreage and legal description of the real property to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Commandant. The cost of the surveys shall be borne by the County.

(b) USE OF PROPERTY CONVEYED.—Notwithstanding section 59.3 of title 36, Code of Federal Regulations (or any successor regulation), and the limitations on the use of land provided assistance under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.), the real property to be conveyed under this section may be converted to a use other than a public outdoor recreation use.

(c) PROVISION OF REPLACEMENT FACILITIES.—

(1) IN GENERAL.—As consideration for the conveyance authorized by subsection (a), the County—

(A) may, at its expense design and construct the replacement facilities for the Coast Guard to replace the facilities conveyed under that subsection;

(B) may design and construct the replacement facilities to the specifications of the Commandant; and

(C) may construct the replacement facilities upon a parcel of real property determined by the Commandant to be an appropriate location for the replacement facilities; and

(2) shall convey to the United States all right, title, and interest in and to the replacement facilities and the parcel of real property on which the facilities are located.

(d) MEMORANDUM OF AGREEMENT.—The County and the Commandant may enter into a memorandum of agreement to effectuate the transactions authorized by this section.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Commandant considers appropriate to protect the interests of the United States.

(f) LIMITATION.—Nothing in this section compels the County or the Commandant to execute a memorandum of agreement or deed, except upon such terms and conditions that the County and the Commandant may consider appropriate, in the exercise of their discretion, to protect the interests of the County and the United States.

SEC. 903. TRANSFER OF LANDS TO BE HELD IN TRUST.

(a) IN GENERAL.—As soon as practical but not later than 3 years after the date of enactment of this Act, the Commandant of the Coast Guard shall take such actions as are necessary to transfer administrative jurisdiction over lands, including all structures and buildings on lands, depicted on the maps prepared pursuant to subsection (c) of this section to the Secretary of the Interior to hold in trust for the benefit of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

(b) CONDITIONS OF TRANSFER.—

(1) Prior to the transfer of administrative jurisdiction over the lands, the Coast Guard, in its sole discretion, shall execute actions required to comply with applicable environmental and cultural resources law.

(2) Upon such transfer to the Secretary of the Interior, the lands shall be held in trust by the United States for the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians, Oregon, and shall be part of the Confederated Tribes of Coos, Lower Umpqua, and Siuslaw's Reservation.

(c) MAP AND LEGAL DESCRIPTION OF LAND.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall file maps entitled ''Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Land Transfer Maps'', which shall depict and provide a legal description of the parcels to be transferred in Coos County, Oregon, totaling approximately 24.0 acres in the areas commonly known as Gregory Point and Chief's Island, with—

(A) the Senate Committee on Commerce, Science, and Transportation;

(B) the House of Representatives Committee on Transportation and Infrastructure; and

(C) the Secretary of the Interior.

(2) FORCE OF LAW.—The maps and legal descriptions filed under paragraph (1) shall have the same force and effect as if included in this Act, except that the Commandant may correct typographical errors in the maps and each legal description.

(3) PUBLIC AVAILABILITY.—Each map and legal description filed under paragraph (1) shall be on file and available for public inspection in the appropriate office of the Department of the Interior.

(d) USE OF COAST GUARD AIDS TO NAVIGATION.—The Coast Guard may retain easements, or other property interests as may be necessary, across the property described in subsection (c) for access to aids to navigation located on the lands so long as such aids may be required by the Coast Guard.

(e) MAINTENANCE OF CAPE ARAGO LIGHT STATION.—

(1) The conveyance of Cape Arago Light Station on Chief's Island by the Coast Guard shall be made on condition that the Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians shall—

(A) use and make reasonable efforts to maintain the Cape Arago Light Station in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.), the Secretary of the Interior's Standards for the Treatment of Historic Properties set forth in part 68 of title 36, Code of Federal Regulations, and other applicable laws, and submit any proposed changes to the Cape Arago Light Station for review and approval by the Secretary of the Interior in consultation with the Oregon State Historic Preservation Officer, for consistency with section 800.5(a)(2)(vii) of title 36, Code of Federal Regulations, and the Secretary of the Interior's Standards for Rehabilitation, set forth

in part 67.7 of title 36, Code of Federal Regulations;

(B) make the Cape Arago Light Station available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions;

(C) not sell, convey, assign, exchange, or encumber the Cape Arago Light Station, any part thereof, or any associated historic artifact conveyed in conjunction with the transfer under this section unless such sale, conveyance, assignment, exchange, or encumbrance is approved by Secretary of the Interior;

(D) not conduct any commercial activities at the Cape Arago Light Station, any part thereof, or in connection with any historic artifact conveyed in conjunction with the transfer under this section in any manner, unless such commercial activities are approved by the Secretary of the Interior; and

(E) allow the United States, at any time, to enter the Cape Arago Light Station without notice, for purposes of ensuring compliance with this section, to the extent that it is not possible to provide advance notice.

(2) The Cape Arago Light Station, or any associated historic artifact conveyed in conjunction with the transfer under this section, at the option of the Secretary of the Interior, shall revert to the United States and be placed under the administrative control of the Secretary of the Interior if the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians fail to meet any condition described in paragraph (1).

(f) TRIBAL FISHING RIGHTS.—No fishing right of the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians in existence on the date of enactment of this Act shall be enlarged, impaired, or otherwise affected by the transfer under this section.

SEC. 904. DATA.

In each of fiscal years 2008 through 2010, there are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $7,000,000 to acquire through the use of unmanned aerial vehicles data to improve the management of natural disasters, the safety of marine and aviation transportation, and fisheries enforcement.

SEC. 905. EXTENSION.

Section 607 of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking ''2007'' in subsection (h) and inserting ''2012''; and

(2) by striking ''terminate'' and all that follows in subsection (i) and inserting ''terminate on September 30, 2012.''.

SEC. 906. FORWARD OPERATING FACILITY.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct or lease hangar, berthing, and messing facilities in the Aleutian Island–Bering Sea operating area. These facilities shall—

(1) support aircraft maintenance, including exhaust ventilation, heat, engine wash system, head facilities, fuel, ground support services, and electrical power; and

(2) shelter for both current helicopter assets and those projected to be located at Air Station Kodiak, Alaska for up to 20 years.

SEC. 907. ENCLOSED HANGAR AT AIR STATION BARBERS POINT, HAWAII.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct an enclosed hangar at Air Station Barbers Point, Hawaii. The hangar shall—

(1) support aircraft maintenance, including exhaust ventilation, heat, engine wash system, head facilities, fuel, ground support services, and electrical power; and

(2) shelter all current aircraft assets and those projected to be located at Air Station Barbers Point, Hawaii, over the next 20 years.

SEC. 908. CONVEYANCE OF DECOMMISSIONED COAST GUARD CUTTER STORIS.

(a) IN GENERAL.—Upon the scheduled decommissioning of the Coast Guard Cutter STORIS, the Commandant of the Coast Guard shall convey, without consideration, all right, title, and interest of the United States in and to that vessel to the USCG Cutter STORIS Museum and Maritime Education Center, LLC, located in the State of Alaska if the recipient—

(1) agrees—

(A) to use the vessel for purposes of a museum and historical display;

(B) not to use the vessel for commercial transportation purposes;

(C) to make the vessel available to the United States Government if needed for use by the Commandant in time of war or a national emergency; and

(D) to hold the Government harmless for any claims arising from exposure to hazardous materials, including asbestos and polychlorinated biphenyls, after conveyance of the vessel, except for claims arising from the use by the Government under subparagraph (C);

(2) has funds available that will be committed to operate and maintain in good working condition the vessel conveyed, in the form of cash, liquid assets, or a written loan commitment and in an amount of at least $700,000; and

(3) agrees to any other conditions the Commandant considers appropriate.

(b) MAINTENANCE AND DELIVERY OF VESSEL.—

(1) MAINTENANCE.—Before conveyance of the vessel under this section, the Commandant shall make, to the extent practical and subject to other Coast Guard mission requirements, every effort to maintain the integrity of the vessel and its equipment until the time of delivery.

(2) DELIVERY.—If a conveyance is made under this section, the Commandant shall deliver the vessel—

(A) at the place where the vessel is located; and

(B) without cost to the Government.

(3) TREATMENT OF CONVEYANCE.—The conveyance of the vessel under this section shall not be considered a distribution in commerce for purposes of section 6(e) of Public Law 94–469 (15 U.S.C. 2605(e)).

(c) OTHER EXCESS EQUIPMENT.—The Commandant may convey to the recipient of a conveyance under subsection (a) any excess equipment or parts from other decommissioned Coast Guard vessels for use to enhance the operability and function of the vessel conveyed under subsection (a) for purposes of a museum and historical display.

SEC. 909. CONVEYANCE OF THE PRESQUE ISLE LIGHT STATION FRESNEL LENS TO PRESQUE ISLE TOWNSHIP, MICHIGAN.

(a) CONVEYANCE OF LENS AUTHORIZED.—

(1) TRANSFER OF POSSESSION.—Notwithstanding any other provision of law, the Commandant of the Coast Guard may transfer to Presque Isle Township, a township in Presque Isle County in the State of Michigan (in this section referred to as the ''Township''), possession of the Historic Fresnel Lens (in this section referred to as the ''Lens'') from the Presque Isle Light Station Lighthouse, Michigan (in this section referred to as the ''Lighthouse'').

(2) CONDITION.—As a condition of the transfer of possession authorized by paragraph (1), the Township shall, not later than one year after the date of transfer, install the Lens in the Lighthouse for the purpose of operating the Lens and Lighthouse as a Class I private aid to navigation pursuant to section 85 of title 14, United States Code, and the applicable regulations under that section.

(3) CONVEYANCE OF LENS.—Upon the certification of the Commandant that the Township has installed the Lens in the Lighthouse and is able to operate the Lens and Lighthouse as a private aid to navigation as required by paragraph (2), the Commandant shall convey to the Township all right, title, and interest of the United States in and to the Lens.

(4) CESSATION OF UNITED STATES OPERATIONS OF AIDS TO NAVIGATION AT LIGHTHOUSE.—Upon the making of the certification described in paragraph (3), all active Federal aids to navigation located at the Lighthouse shall cease to be operated and maintained by the United States.

(b) REVERSION.—

(1) REVERSION FOR FAILURE OF AID TO NAVIGATION.—If the Township does not comply with the condition set forth in subsection (a)(2) within the time specified in that subsection, the Township shall, except as provided in paragraph (2), return the Lens to the Commandant at no cost to the United States and under such conditions as the Commandant may require.

(2) EXCEPTION FOR HISTORICAL PRESERVATION.—Notwithstanding the lack of compliance of the Township as described in paragraph (1), the Township may retain possession of the Lens for installation as an artifact in, at, or near the Lighthouse upon the approval of the Commandant. The Lens shall be retained by the Township under this paragraph under such conditions for the preservation and conservation of the Lens as the Commandant shall specify for purposes of this paragraph. Installation of the Lens under this paragraph shall occur, if at all, not later than two years after the date of the transfer of the Lens to the Township under subsection (a)(1).

(3) REVERSION FOR FAILURE OF HISTORICAL PRESERVATION.—If retention of the Lens by the Township is authorized under paragraph (2) and the Township does not install the Lens in accordance with that paragraph within the time specified in that paragraph, the Township shall return the lens to the Coast Guard at no cost to the United States and under such conditions as the Commandant may require.

(c) CONVEYANCE OF ADDITIONAL PERSONAL PROPERTY.—

(1) TRANSFER AND CONVEYANCE OF PERSONAL PROPERTY.—Notwithstanding any other provision of law, the Commandant may transfer to the Township any additional personal property of the United States related to the Lens that the Commandant considers appropriate for conveyance under this section. If the Commandant conveys the Lens to the Township under subsection (a)(3), the Commandant may convey to the Township any personal property previously transferred to the Township under this subsection.

(2) REVERSION.—If the Lens is returned to the Coast Guard pursuant to subsection (b), the Township shall return to the Coast Guard all personal property transferred or conveyed to the Township under this subsection except to the extent otherwise approved by the Commandant.

(d) CONVEYANCE WITHOUT CONSIDERATION.—The conveyance of the Lens and any personal property under this section shall be without consideration.

(e) DELIVERY OF PROPERTY.—The Commandant shall deliver property conveyed under this section—

(1) at the place where such property is located on the date of the conveyance;

(2) in condition on the date of conveyance; and

(3) without cost to the United States.

(f) MAINTENANCE OF PROPERTY.—As a condition of the conveyance of any property to the Township under this section, the Commandant shall enter into an agreement with the Township under which the Township agrees—

(1) to operate the Lens as a Class I private aid to navigation under section 85 of title 14, United States Code, and application regulations under that section; and

(2) to hold the United States harmless for any claim arising with respect to personal property conveyed under this section.

(g) LIMITATION ON FUTURE CONVEYANCE.—The instruments providing for the conveyance of property under this section shall—

(1) require that any further conveyance of an interest in such property may not be made without the advance approval of the Commandant; and

(2) provide that, if the Commandant determines that an interest in such property was conveyed without such approval—

(A) all right, title, and interest in such property shall revert to the United States, and the United States shall have the right to immediate possession of such property; and

(B) the recipient of such property shall pay the United States for costs incurred by the United States in recovering such property.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Commandant may require such additional terms and conditions in connection with the conveyances authorized by this section as the Commandant considers appropriate to protect the interests of the United States.

SEC. 910. REPEALS.

The following sections are repealed:

(1) Section 689 of title 14, United States Code, and the item relating to such section in the analysis for chapter 18 of such title.

(2) Section 216 of title 14, United States Code, and the item relating to such section in the analysis for chapter 11 of such title.

SEC. 911. REPORT ON SHIP TRAFFIC.

(a) REPORT.—No later than 1 year after the date of enactment of this Act and annually thereafter, the Secretary of the department in which the Coast Guard is operating shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the volume of foreign flag ships entering waters subject to the jurisdiction of the United States. The report may be submitted in classified format if the Secretary deems it to be necessary for national security.

(b) CONTENTS.—The report shall include a breakdown of the number or percentage of such foreign flag ships that—

(1) enter a United States port or place;

(2) do not enter a United States port or place but pass through the territorial sea of the United States; or

(3) do not enter a United States port or place but pass only through the exclusive economic zone of the United States.

(c) DEFINITIONS.—In this section:

(1) EXCLUSIVE ECONOMIC ZONE.—The term ''exclusive economic zone'' means the Exclusive Economic Zone of the United States established by Proclamation Number 5030, dated March 10, 1983 (16 U.S.C. 1453 note).

(2) TERRITORIAL SEA.—The term ''territorial sea'' means the waters of the Territorial Sea of the United States under Presidential Proclamation 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

SEC. 912. SMALL VESSEL EXCEPTION FROM DEFINITION OF FISH PROCESSING VESSEL.

Section 2101(11b) of title 46, United States Code, is amended by striking ''chilling.'' and inserting ''chilling, but does not include a fishing vessel operating in Alaskan waters under a permit or license issued by Alaska that—

(A) fillets only salmon taken by that vessel;

(B) fillets less than 5 metric tons of such salmon during any 7-day period.''.

SEC. 913. RIGHT OF FIRST REFUSAL FOR COAST GUARD PROPERTY ON JUPITER ISLAND, FLORIDA.

(a) RIGHT OF FIRST REFUSAL.—Notwithstanding any other law (other than this section), the Town of Jupiter Island, Florida, shall have the right of first refusal to select and take without consideration fee simple title to real property within the jurisdiction of the Town comprising Parcel #35-38-42-004-000-02590-6 (Bon Air Beach lots 259 and 260 located at 83 North Beach Road) and Parcel #35-38-42-004-000-02610-2 (Bon Air Beach lots 261 to 267), including any improvements thereon that are not authorized or required by another provision of law to be conveyed to another person.

(b) IDENTIFICATION OF PROPERTY.—The Commandant of the Coast Guard may identify, describe, and determine the property referred to in subsection (a) that is subject to the right of the Town under that subsection.

(c) LIMITATION.—The property referred to in subsection (a) may not be conveyed under that subsection until the Commandant of the Coast Guard determines that the property is not needed to carry out Coast Guard operations.

(d) REQUIRED USE.—Any property conveyed under this section shall be used by the Town of Jupiter Island, Florida, solely for conservation of habitat and as protection against damage from wind, tidal, and wave energy.

(e) REVERSION.—Any conveyance of property under this section shall be subject to the condition that all right, title, and interest in the property, at the option of the Commandant of the Coast Guard, shall revert to the United States Government if the property is used for purposes other than conservation.

(f) IMPLEMENTATION.—The Commandant of the Coast Guard shall upon request by the Town—

(1) promptly take those actions necessary to make property identified under subsection (b) and determined by the Commandant under subsection (c) ready for conveyance to the Town; and

(2) convey the property to the Town subject to subsections (d) and (e).

SEC. 914. SHIP DISPOSAL WORKING GROUP.

(a) IN GENERAL.—Within 30 days after the date of enactment of this Act, the Secretary of Transportation shall convene a working group, composed of senior representatives from the Maritime Administration, the Coast Guard, the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the United States Navy. The Secretary may request the participation of senior representatives of any other Federal department or agency, as appropriate, and shall consult with appropriate State environmental agencies. The working group shall review and make recommendations on environmental practices for the storage and disposal of obsolete vessels owned or operated by the Federal Government.

(b) SCOPE.—Among the vessels to be considered by the working group are Federally owned or operated vessels that are—

(A) to be scrapped or recycled;

(B) to be used as artificial reefs; or

(C) to be used for the Navy's SINKEX program.

(c) PURPOSE.—The working group shall—

(1) examine current storage and disposal policies, procedures, and practices for obsolete vessels owned or operated by Federal agencies;

(2) examine Federal and State laws and regulations governing such policies, procedures, and practices and any applicable environmental laws; and

(3) within 90 days after the date of enactment of this Act, submit a plan to the Senate Committee on Commerce, Science, and Transportation, the Senate Committee on Environment and Public Works, and the House of Representatives Committee on Armed Services to improve and harmonize practices for storage and disposal of such vessels, including the interim transportation of such vessels.

(d) CONTENTS OF PLAN.—The working group shall include in the plan submitted under subsection (c)(3)—

(1) a description of existing measures for the storage, disposal, and interim transportation of obsolete vessels owned or operated by Federal agencies in compliance with Federal and State environmental laws in a manner that protects the environment;

(2) a description of Federal and State laws and regulations governing current policies, procedures, and practices for the storage, disposal, and interim transportation of such vessels;

(3) recommendations for environmental best practices that meet or exceed, and harmonize, the requirements of Federal environmental laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(4) recommendations for environmental best practices that meet or exceed the requirements of State laws and regulations applicable to the storage, disposal, and interim transportation of such vessels;

(5) procedures for the identification and remediation of any environmental impacts caused by the storage, disposal, and interim transportation of such vessels; and

(6) recommendations for necessary steps, including regulations if appropriate, to ensure that best environmental practices apply to all such vessels.

(e) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the head of each Federal department or agency participating in the working group, in consultation with the other Federal departments and agencies participating in the working group, shall take such action as may be necessary, including the promulgation of regulations, under existing authorities to ensure that the implementation of the plan provides for compliance with all Federal and State laws and for the protection of the environment in the storage, interim transportation, and disposal of obsolete vessels owned or operated by Federal agencies.

(2) ARMED SERVICES VESSELS.—The Secretary and the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall each ensure that environmental best practices are observed with respect to the storage, disposal, and interim transportation of obsolete vessels owned or operated by the Department of Defense.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede, limit, modify, or otherwise affect any other provision of law, including environmental law.

SEC. 915. FULL MULTI-MISSION RESPONSE STATION IN VALDEZ, ALASKA.

Not later than 180 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating may construct a full multi-mission Coast Guard Response Station in Valdez, Alaska. The Station shall include shore and

maintenance infrastructure facilities to support all current and projected Coast Guard waterborne security forces to be located in Valdez, Alaska, over the next 20 years.

SEC. 916. PROTECTION AND FAIR TREATMENT OF SEAFARERS.

(a) IN GENERAL.—Chapter 5 of title 14, United States Code, is amended by inserting after section 89 the following:

"§ 89a. Protection and fair treatment of seafarers

''(a) AUTHORITY OF THE SECRETARY.—

''(1) IN GENERAL.—The Secretary is authorized—

''(A) to require a bond or surety satisfactory as an alternative to withholding or revoking clearance required under section 60105 of title 46 if, in the opinion of the Secretary, such bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, provided that corporate sureties underwriting any such bonds be certified by the Department of the Treasury to write Federal bonds under sections 9304 and 9305 of title 31;

''(B) at the discretion of the Secretary, to pay, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, necessary support of—

''(i) any seafarer who enters, remains, or has been paroled into the United States and is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

''(ii) any seafarer whom the Secretary finds to have been abandoned in the United States; and

''(C) at the sole discretion of the Secretary, to reimburse, in whole or in part, without further appropriation and without fiscal year limitation, from amounts in the Fund, a shipowner, who has filed a bond or surety satisfactory pursuant to subparagraph (A) of this paragraph and provided necessary support of a seafarer who has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for costs of necessary support, when the Secretary deems reimbursement necessary to avoid serious injustice.

''(2) APPLICATION.—The authority to require a bond or a surety satisfactory or to request the withholding or revocation of the clearance required under section 60105 of title 46 is applicable to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

''(3) LIMITATIONS.—Nothing in this section shall be construed—

''(A) to create a right, benefit, or entitlement to necessary support; or

''(B) to compel the Secretary to pay, or reimburse the cost of, necessary support.

''(b) FUND.—

''(1) IN GENERAL.—There is established in the Treasury a special fund known as the 'Support of Seafarers Fund'.

''(2) AVAILABILITY.—The amounts covered into the Fund shall be available to the Secretary, without further appropriation and without fiscal year limitation—

''(A) to pay necessary support, pursuant to subsection (a)(1)(B) of this section; and

''(B) to reimburse a shipowner for necessary support, pursuant to subsection (a)(1)(C) of this section.

''(3) RECEIPTS.—Notwithstanding any other provision of law, the Fund shall be authorized to receive—

''(A) amounts reimbursed or recovered pursuant to subsection (c) of this section;

''(B) amounts appropriated to the Fund pursuant to subsection (f) of this section; and

''(C) appropriations available to the Secretary for transfer.

''(4) LIMITATION ON CERTAIN CREDITS.—The Fund may receive credits pursuant to paragraph (3)(A) of this subsection only when the unobligated balance of the Fund is less than $5,000,000.

''(5) REPORT REQUIRED.—

''(A) Except as provided in subparagraph (B) of this paragraph, the Secretary shall not obligate any amount in the Fund in a given fiscal year unless the Secretary has submitted to Congress, concurrent with the President's budget submission for that fiscal year, a report that describes—

''(i) the amounts credited to the Fund, pursuant to paragraph (3) of this section, for the preceding fiscal year;

''(ii) a detailed description of the activities for which amounts were charged; and

''(iii) the projected level of expenditures from the Fund for the coming fiscal year, based on—

''(I) on-going activities; and

''(II) new cases, derived from historic data.

''(B) The limitation in subparagraph (A) of this paragraph shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

''(6) FUND MANAGER.—The Secretary shall designate a Fund manager, who shall—

''(A) ensure the visibility and accountability of transactions utilizing the Fund;

''(B) prepare the report required pursuant to paragraph (5) of this subsection; and

''(C) monitor the unobligated balance of the Fund and provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than $5,000,000.

''(c) REIMBURSEMENTS—

''(1) RECOVERY.—Any shipowner—

''(A)(i) who, during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who has been paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication, and

''(ii) against whom a criminal penalty is subsequently imposed, or

''(B) who, under any circumstance, abandons a seafarer in the United States, as determined by the Secretary,

shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of the seafarer, plus a surcharge of 25 per cent of such total amount.

''(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund as required under paragraph (1) of this subsection, the Secretary may—

''(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which such vessel is found; and

''(B) withhold or revoke the clearance, required by section 60105 of title 46, of any vessel of the shipowner wherever such vessel is found.

''(3) CLEARANCE.—Whenever clearance is withheld or revoked pursuant to paragraph (2)(B) of this subsection, clearance may be granted if the shipowner reimburses the Fund the amount required under paragraph (1) of this subsection.

''(d) DEFINITIONS.—In this section:

''(1) ABANDONS; ABANDONED.—The term 'abandons' or 'abandoned' means a shipowner's unilateral severance of ties with a seafarer or the shipowner's failure to provide necessary support of a seafarer;

''(2) BOND OR SURETY SATISFACTORY.—The term 'bond or surety satisfactory' means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require the shipowner to—

''(A) provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(B) facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(C) stipulate to certain incontrovertible facts, including, but not limited to, the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

''(D) facilitate service of correspondence and legal papers;

''(E) enter an appearance in Federal district court;

''(F) comply with directions regarding payment of funds;

''(G) name an agent in the United States for service of process;

''(H) make stipulations as to the authenticity of certain documents in Federal district court;

''(I) provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

''(J) provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

''(K) provide for any other appropriate measures as the Secretary deems necessary to ensure the Government is not prejudiced by granting the clearance required by section 60105 of title 46.

''(3) FUND.—The term 'Fund' means the Support of Seafarers Fund, established by subsection (b);

''(4) NECESSARY SUPPORT.—The term 'necessary support' means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary deems appropriate;

''(5) SEAFARER.—The term 'seafarer' means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States;

''(6) SHIPOWNER.—The term 'shipowner' means the individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States;

''(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term 'vessel subject to the jurisdiction of the United States' has the same meaning it has in section 70502(c) of title 46, except that it excludes a vessel owned or bareboat chartered and operated by the United States, by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commerce.

''(e) REGULATIONS.—The Secretary is authorized to promulgate regulations to implement this subsection.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to

the Fund $1,500,000 for each of fiscal years 2009, 2010, and 2011.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 5 of such title is amended by inserting after the item relating to section 89 the following:

''89a. Protection and fair treatment of seafarers''.

SEC. 917. ICEBREAKERS.

(a) IN GENERAL.—The Secretary of the department in which the Coast Guard is operating shall acquire or construct 2 polar icebreakers for operation by the Coast Guard in addition to its existing fleet of polar icebreakers.

(b) NECESSARY MEASURES.—The Secretary shall take all necessary measures, including the provision of necessary operation and maintenance funding, to ensure that—

(1) the Coast Guard maintains, at a minimum, its current vessel capacity for carrying out ice breaking in the Arctic and Antarctic, Great Lakes, and New England regions; and

(2) any such vessels that are not fully operational are brought up to, and maintained at full operational capability.

(c) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of such polar icebreakers from other Federal agencies and entities, including foreign countries, that benefit from the use of the icebreakers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal year 2008 to the Secretary of the department in which the Coast Guard is operating such sums as may be necessary to acquire the icebreakers authorized by subsection (a), as well as maintaining and operating the icebreaker fleet as authorized in subsection (b).

SEC. 918. FUR SEAL ACT AUTHORIZATION.

Section 206(c)(1) of the Fur Seal Act of 1966 (16 U.S.C. 1166(c)(1)) is amended by striking ''and 2007'' and inserting ''2007, 2008, and 2009''.

SEC. 919. STUDY OF RELOCATION OF COAST GUARD SECTOR BUFFALO FACILITIES.

(a) PURPOSES.—The purposes of this section are—

(1) to authorize a project study to evaluate the feasibility of consolidating and relocating Coast Guard facilities at Coast Guard Sector Buffalo within the study area;

(2) to obtain a preliminary plan for the design, engineering, and construction for the consolidation of Coast Guard facilities at Sector Buffalo; and

(3) to distinguish what Federal lands, if any, shall be identified as excess after the consolidation.

(b) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) SECTOR BUFFALO.—The term ''Sector Buffalo'' means Coast Guard Sector Buffalo of the Ninth Coast Guard District.

(3) STUDY AREA.—The term ''study area'' means the area consisting of approximately 31 acres of real property and any improvements thereon that are commonly identified as Coast Guard Sector Buffalo, located at 1 Fuhrmann Boulevard, Buffalo, New York, and under the administrative control of the Coast Guard.

(c) STUDY.—

(1) IN GENERAL.—Within 12 months after the date on which funds are first made available to carry out this section, the Commandant shall conduct a project proposal report of the study area and shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) REQUIREMENTS.—The project proposal report shall—

(A) evaluate the most cost-effective method for providing shore facilities to meet the operational requirements of Sector Buffalo;

(B) determine the feasibility of consolidating and relocating shore facilities on a portion of the existing site, while—

(i) meeting the operational requirements of Sector Buffalo; and

(ii) allowing the expansion of operational requirements of Sector Buffalo; and

(C) contain a preliminary plan for the design, engineering, and construction of the proposed project, including—

(i) the estimated cost of the design, engineering, and construction of the proposed project;

(ii) an anticipated timeline of the proposed project; and

(iii) a description of what Federal lands, if any, shall be considered excess to Coast Guard needs.

(d) LIMITATION.—Nothing in this section shall affect the current administration and management of the study area.

SEC. 920. INSPECTOR GENERAL REPORT ON COAST GUARD DIVE PROGRAM.

(a) INSPECTOR GENERAL REPORT.—Within 1 year after the date of enactment of this Act, the Inspector General of the Department of Homeland Security shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the circumstances surrounding the accidental death of Coast Guard crew members on a training dive while serving aboard the Coast Guard icebreaker HEALY on August 17, 2006. The Inspector General shall include in the report—

(1) a description of programmatic changes made by the Coast Guard in its dive program in response to the accident;

(2) an evaluation of whether those changes are effective and are sufficient to prevent similar accidents; and

(3) recommendations for further improvement in the safety of the dive program.

(b) HILL-DUQUE COAST GUARD DIVE PROGRAM REPORT.—Within 6 months after the date of enactment of this Act, the Inspector General shall submit an interim report to the Committees describing the progress made in preparing the report required by subsection (a).

Ms. SNOWE. Mr. President, as Ranking Member on the Coast Guard's oversight subcommittee, I am pleased today to co-sponsor the Coast Guard Authorization Act for fiscal year 2008.

The Coast Guard serves as the guardian of our maritime homeland security and provides many critical services for our nation. Last year alone, the Coast Guard responded to over 28,000 calls for assistance, and saved nearly 5,300 lives. These brave men and women risk their lives to defend our borders from drugs, illegal immigrants, acts of terror, and other national security threats. In 2004, the Coast Guard seized 287,000 pounds of cocaine, including over 20 tons in a single interdiction action, the largest drug bust ever recorded. They also stopped nearly 8,000 illegal migrants from reacting our shores. In addition they conducted 6,100 boardings to protect our vital fisheries stocks and they responded to 4,400 pollution incidents.

In today's post-9/11 world, the men and women of the Coast Guard have been working harder than ever securing the nation's coastline, waterways, and ports. This rapid escalation of the Coast Guard's homeland security mission catalogue continues today. While our new reality requires the Coast Guard to maintain a robust homeland security posture, these new priorities must not diminish the Coast Guard's focus on its traditional missions such as marine safety, search and rescue, aids to navigation, fisheries law enforcement, and marine environmental protection.

The bill we introduce today would authorize funding at $8.3 billion for fiscal year 2008. This authorization will continue to allow the Coast Guard to perform non-homeland security missions such as search and rescue, fisheries enforcement, and marine environmental protection, as well as fund the necessary missions related to ports, waterways, and coastal security. It also includes funding to allow the service to continue replacing its rapidly aging assets so it can increase efficiency of its actions and reap the benefits of advances of modern technology and engineering.

The Coast Guard's rapid operational escalation has taken a significant toll on the ships, boats, and aircraft that the Coast Guard uses on a daily basis, putting additional strain on vessels that already collectively comprise the world's third oldest navel fleet. The Coast Guard is now 5 years into the acquisition phase of a program designed to recapitalize its aging infrastructure the Integrated Deepwater Program. In recent months, we have heard a litany of bad news regarding Deepwater, from the decommissioning of eight 123-foot patrol boats following a failed effort to extend them, to reports that Deepwater's flagship, the National Security Cutter, will not meet the specifications required by the Coast Guard. The service has taken numerous steps to rectify contractual shortcomings that have led to many of these problems, but much work remains to be done before the Coast Guard can regain the confidence of its overseers and the American public. This bill authorizes nearly $1 billion for Coast Guard acquisitions programs, a large sum to be sure. But Senator CANTWELL and I, and the rest of the Coast Guard's oversight subcommittee will closely monitor developments with the program to ensure that the mistakes of Deepwater's past are not carried over into its future.

This bill also includes a provision to increase the Coast Guard's ability to prosecute those engaged in illegal alien smuggling in the maritime environment. Under current law and practice, individuals have to be seriously injured or die in a maritime migrant smuggling event before the smugglers are faced with meaningful legal penalties. This allows organized groups of experienced smugglers to operate with near impunity, facilitating the entry of

thousands of illegal immigrants annually. The Maritime Alien Smuggling Law Enforcement Act, contained within this bill would close this serious loophole at the frontline of our homeland security efforts.

The bill also contains provisions vital to navigation security, including a requirement that the Coast Guard continue to operate the LORAN–C navigation system. Though advances in Global Positioning System technology have allowed our mariners to receive accurate, timely positioning data, many seafarers, particularly in the northern latitudes where GPS signals are less strong, still rely on LORAN signals as a back-up to their more modern systems, or in some cases, as a primary navigation aid.

The service men and women of the Coast Guard do yeoman's work in support of our homeland security and to ensure the safety of the maritime domain, and this bill also contains provisions to help them in numerous ways. Provisions ensure the Government is providing adequate access to medical care for those stationed on remote islands; grants Coast Guard servicemen and women access to the armed forces retirement homes; and authorizes funding for additional facilities to improve their quality of life.

In sum, this bill contains provisions too numerous to mention individually that support the Coast Guard's missions and enhance its ability to safeguard our homeland, our environment, and our maritime operations. I thank Senator CANTWELL and the rest of my fellow co-sponsors for all their hard work on this bill, and I ask my colleagues in this body to join me in expressing support for the valiant men and women of the Coast Guard and this bill that will facilitate execution of their appointed missions.

By Mr. BAUCUS:

S. 1893. An original bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, and for other purposes; from the Committee on Finance; placed on the calendar.

Mr. BAUCUS. Mr. President, I ask unanimous consent the following material regarding today's introduction of S. 1893, the Children's Health Insurance Program Reauthorization Act of 2007, be included in the RECORD, July 26, 2007 letter from the Congressional Budget Office; and Technical Summary of the Children's Health Insurance Program Reauthorization Act of 2007.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 26, 2007.

Hon. MAX BAUCUS,
Chairman Committee on Finance,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) have prepared the attached cost estimate for the Children's Health Insurance Program Reauthorization Act of 2007, based on the legislative language (ERN07632) that was provided by the Committee on Finance on July 26, 2007.

CBO estimates that enacting this legislation would increase federal direct spending by $35.2 billion over the 2008–2012 period and by $71.0 billion over the 2008–2017 period. CBO and JCT estimate that net revenues would increase under the bill by $36.1 billion over the next five years and $72.8 billion over the 10-year period. A portion of that increase would be in off-budget revenues: $0.8 billion for the 2008–2012 period and $1.1 billion over the 2008–2017 period. On balance, the spending and revenue changes would reduce federal on-budget deficits by $0.1 billion through 2012 and $0.8 billion for the 2008–2017 period. The two attached tables provide estimates of year-by-year changes and a summary of the estimated change in enrollment of children under the State Children's Health Insurance Program (SCHIP) and Medicaid.

Projected spending would exceed estimated on-budget revenue increases beginning in fiscal year 2015. Pursuant to section 203 of S. Con. Res. 21, the Concurrent Resolution on the Budget for Fiscal Year 2008, CBO estimates that the changes in direct spending and revenues would cause an increase in the on-budget deficit greater than $5 billion in at least one of the 10-year periods between 2018 and 2057.

CBO has reviewed the non-tax provisions of the bill—titles I through VI, excluding section 411, and title VII—for mandates and determined that they contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). The bill would affect the way states administer SCHIP and Medicaid, but because of the flexibility in those programs, the new requirements would not be intergovernmental mandates as UMRA defines that term. In general, state, local, and tribal governments would benefit from the continuation of existing SCHIP grants, the creation of new grant programs, and broader flexibility and options in some programs.

According to JCT, the tax provisions of the bill contain no intergovernmental mandates as defined in UMRA. JCT has determined that the tax provisions of the bill contain a private-sector mandate, as defined in UMRA, by increasing the excise tax rate on cigarettes and other tobacco products. The costs of that mandate would be similar to the estimated budget effects of the provision (as shown in the attached table), and thus would significantly exceed the threshold established in UMRA for private-sector mandates in each year (the threshold is $131 million in 2007, and is adjusted annually for inflation).

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Eric Rollins and Jeanne De Sa.

Sincerely,

PETER R. ORSZAG,
Director.

CBO'S ESTIMATE OF THE EFFECTS ON DIRECT SPENDING AND REVENUES OF THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

[Based on the legislative language ERN07632, provided by the Senate Committee on Finance on July 26, 2007]

Figures are outlays, by fiscal year, in billions of dollars. Costs or savings of less than $50 million are shown with an asterisk. Components may not sum to totals because of rounding.

Section	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2008–12	2008–17
CHANGES IN DIRECT SPENDING												
SCHIP outlays from the funding provided in sections 101, 103, 104, and 105 of the bill:												
Benefits and administration costs	2.2	3.8	5.5	6.5	7.4	−0.4	−1.8	−1.8	−1.7	−1.6	25.4	18.1
Incentive payments	0	0.4	0.6	0.8	0.9	1.0	1.1	1.2	1.2	1.3	2.7	8.4
Subtotal	2.2	4.1	6.1	7.2	8.4	0.6	−0.7	−0.6	−0.4	−0.3	28.1	26.5
Medicaid outlays due to interactions with the SCHIP outlays shown above	−0.3	0.3	1.2	1.6	1.8	4.5	6.0	7.1	7.7	8.4	4.7	38.4
Other changes in direct spending that are not included with the SCHIP and Medicaid totals above:												
104 Additional administrative funding for territories	*	*	*	*	*	*	*	*	*	*	0.1	0.1
105 Funding for improved reporting of Medicaid enrollment	*	*	0	0	0	0	0	0	0	0	*	*
108 Contingency fund	0	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.2	0.2	0.3	1.1
201 Grants for outreach and enrollment	*	*	*	*	0.1	*	*	*	*	*	0.2	0.4
203 Express Lane demonstration project	*	*	*	*	*	0	0	0	0	0	*	*
301 Revise requirement to document citizenship	0	0.3	0.3	0.4	0.4	0.4	0.4	0.5	0.5	0.6	1.4	3.7
501 Development of quality measures for child health	*	0.1	0.1	0.1	0.1	*	*	*	*	*	0.3	0.4
604 Additional funding for Current Population Survey	*	*	*	*	*	*	*	*	*	*	0.1	0.1
608 Dental health grants	*	0.1	0.1	0.1	*	0	0	0	0	0	0.2	0.2
609 Transition grants for payment of FQHC / RHC services	*	*	0	0	0	0	0	0	0	0	*	*
Subtotal	0.1	0.5	0.6	0.6	0.6	0.7	0.7	0.7	0.8	0.8	2.4	6.1
Total changes in direct spending	2.1	5.0	7.9	9.4	10.8	5.8	6.0	7.2	8.0	8.9	35.2	71.0
CHANGES IN REVENUES												
On-budget revenues:												
701 Increased taxes on tobacco products	6.2	7.6	7.4	7.3	7.3	7.2	7.1	7.1	7.0	6.9	35.7	71.1
703 Changed timing of corporate estimated tax payments	0	0	0	0	−0.9	−0.9	0	0	0	0	−0.9	0
Effect of SCHIP provisions on on-budget revenues	*	0.1	0.1	0.1	0.1	0.1	*	*	*	*	0.5	0.7
Subtotal	6.2	7.7	7.5	7.4	6.5	8.2	7.2	7.1	7.0	7.0	35.3	71.7
Off-budget revenues (due to SCHIP provisions)	0.1	0.2	0.2	0.2	0.2	0.1	*	*	*	0.1	0.8	1.1
Total changes in revenues	6.3	7.8	7.7	7.6	6.7	8.3	7.2	7.1	7.1	7.0	36.1	72.8
Net budgetary effect of legislation:												
Direct spending and on-budget revenues	−4.2	−2.7	0.4	2.0	4.3	−2.4	−1.2	0.1	1.0	1.9	−0.1	−0.8
Direct spending and all revenues	−4.3	−2.8	0.2	1.3	4.1	−2.5	−1.2	*	0.9	1.8	−0.9	−1.8
Memorandum:												
SCHIP outlays under CBO's baseline	5.4	5.4	5.5	5.5	5.6	5.5	5.3	5.3	5.2	5.1	27.4	53.8
Additional SCHIP outlays under proposal	2.3	4.3	6.2	7.4	8.5	0.7	−0.6	−0.5	−0.3	−0.2	28.6	27.9
Total SCHIP outlays under proposal	7.7	9.7	11.7	12.9	14.1	6.2	4.7	4.8	4.9	5.0	56.1	81.7

CBO's ESTIMATE OF CHANGES IN SCHIP AND MEDICAID ENROLLMENT OF CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

(Based on the legislative language ERN07632, provided by the Senate Committee on Finance on July 26, 2007)

All figures are average monthly enrollment, in millions of individuals. Components may not sum to totals because of rounding.

	SCHIP [a]				Medicaid [b]				SCHIP/Medicaid total		
	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in private coverage	Total	Enrollees moved to SCHIP	Reduction in the uninsured	Reduction in private coverage	Total	Reduction in the uninsured	Reduction in private coverage	Total
Fiscal Year 2012:											
CBO's baseline projections	.....	.....	.....	3.3	.....	.....	.....	25.0	.....	.....	28.3
Effect of providing funding to maintain current SCHIP programs	0.6	0.8	0.5	1.9	−0.6	n.a.	n.a.	−0.6	0.8	0.5	1.3
Effect of additional SCHIP funding and other provisions:											
Additional enrollment within existing eligibility groups [c,d]	n.a.	0.9	0.6	1.5	n.a.	1.7	0.4	2.2	2.7	1.0	3.7
Expansion of SCHIP eligibility to new populations	n.a.	0.6	0.6	1.1	n.a.	n.a.	n.a.	n.a.	0.6	0.6	1.1
Subtotal	n.a.	1.5	1.2	2.6	n.a.	1.7	0.4	2.2	3.2	1.6	4.8
Total proposed changes	0.6	2.2	1.7	4.5	−0.6	1.7	0.4	1.5	4.0	2.1	6.1
Estimated enrollment under proposal	.....	.....	.....	7.9	.....	.....	.....	26.5	.....	.....	34.4

Notes:
[a] The figures in this table include the program's adult enrollees, who account for less than 10 percent of total SCHIP enrollment.
[b] The figures in this table do not include children who receive Medicaid because they are disabled.
[c] For simplicity of display, the Medicaid figures in this line include the additional children enrolled as a side effect of expansions of SCHIP eligibility.
[d] The Medicaid figures and SCHIP/Medicaid totals in this line include about 100,000 adults who would gain eligibility under section 301 of the bill.
n.a. = not applicable

TECHNICAL SUMMARY OF THE CHILDREN'S HEALTH INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

SECTION 1. SHORT TITLE; AMENDMENTS TO SOCIAL SECURITY ACT; REFERENCES; TABLE OF CONTENTS

Current Law

No provision.

Explanation of Provision

This act may be cited as the ''Children's Health Insurance Program (CHIP) Reauthorization Act of 2007.'' Unless otherwise noted, this act amends, or repeals provisions of the Social Security Act. When this act references: ''CHIP'' it is referring to the State Children's Health Insurance Program established under Title XXI; ''MEDICAID'' it is referring to the program for medical assistance established under title XIX; ''Secretary'' it is referring to the Secretary of Health and Human Services.

Title I—Financing of CHIP

SECTION 101. EXTENSION OF CHIP

Current Law

Title XXI of the Social Security Act specifies the following national appropriation amounts in §2104(a) from FY 1998 to FY2007 for SCHIP:

$4,295,000,000 in FY1998;
$4,275,000,000 in FY 1999;
$4,275,000,000 in FY2000;
$4,275,000,000 in FY 2001;
$3,150,000,000 in FY 2002;
$3,150,000,000 in FY2003;
$3,150,000,000 in FY2004;
$4,050,000,000 in FY2005;
$4,050,000,000 in FY2006; and
$5,000,000,000 in FY2007.

These amounts are alloted to states, including the District of Columbia, except for (1) 0.25% of the total annual amount is alloted to the territories and commonwealths (hereafter referred to simply as ''the territories''), and (2) from FY1998 to FY2002, $60 million was set aside annually for special diabetes grants (Public Health Service Act §330B and §330C), which are now funded by direct appropriations. the territories are also alloted the following appropriation amounts in §2104(c)(4)(B):

$32,000,000 in FY1999;
$34,200,000 in FY2000;
$34,200,000 in FY2001;
$25,200,000 in FY2002;
$25,200,000 in FY2003;
$25,200,000 in FY2004;
$32,400,000 in FY2005;
$32,400,000 in FY2006; and
$40,000,000 in FY2007.

Explanation of Provision

The following national appropriation amounts are specified for CHIP in §2104(a):

$9,125,000,000 in FY 2008;
$10,675,000,000 in FY2009;
$11,850,000,000 in FY 2010;
$13,750,000,000 in FY 2001; and
$3,500,000,000 in FY2012.

SECTION 102. ALLOTMENTS FOR THE 50 STATES AND THE DISTRICT OF COLUMBIA

Current Law

The annual SCHIP appropriation available to states, including the District of Columbia, is the amount of the total appropriation remaining after amounts set aside for the territories and, for FY1998 to FY2002, the special diabetes grants. Each state's share, or percentage, of the available appropriation is determined by a formula using the state's ''number of children,'' as adjusted for geographic variation in health costs and subject to certain floors and a ceiling.

Beginning with the FY2001 SCHIP allotment, the ''number of children'' is equal to (1) 50 percent of the number of children in the state who are low income (with ''low income'' defined as having family income below 200% of the federal poverty threshold), plus (2) 50 percent of the number of *uninsured* low-income children in the state. The source of data is the average of the number of such children, as reported and defined in the three most recent Annual Social and Economic (ASEC) Supplements (formerly known as the March supplements) to the Census Bureau's Current Population Survey (CPS) before the beginning of the calendar year in which the applicable fiscal year begins. For example, in determining the FY2007 allotments, the three most recent supplements available before January 1, 2006, were used. Thus, states' FY2007 allotments were based on the ''number of children'' using data that covered calendar years 2002, 2003 and 2004.

The adjustment for geographic variations in health costs is 85% of each state's variation from the national average in its average wages in the health services industry. The source of data is the average wages from mandatory reports filed quarterly by every employer on their unemployment insurance contributions and provided to the Department of Labor's Bureau of Labor Statistics (BLS). A three-year average of these data is also required in the statute.

Each state's ''number of children,'' as adjusted for geographic variation in health costs, is calculated as a percentage of the national total. This is the state's preliminary proportion of the available SCHIP appropriation, against which the floors and ceiling are compared.

Since the beginning of SCHIP, no state's share of the available appropriation could result in an allotment of less than $2 million. No state has ever been affected by this floor. Beginning with the FY2000 allotment, two additional floors also applied: (1) no state's share could be less than 90% of last year's share, and (2) no state's share could be less than 70% of its FY1999 share. (Each state's FY1999 share was identical to its FY1998 share, per P.L. 105–277.)

A ceiling has also applied beginning with the FY2000 allotment: No state's share can exceed 145% of its FY1999 share.

Once the floors and ceiling are applied to affected states to produce their adjusted proportion, the other states' shares are adjusted proportionally to use exactly 100% of the available appropriation. Each state's adjusted proportion multiplied by the appropriation available to states for a fiscal year results in each state's federal SCHIP allotment for that fiscal year.

Explanation of Provision

The annual CHIP funds available to states, including the District of Columbia—that is, the available national allotment—is the amount of the total appropriation remaining after amounts allotted to the territories.

For FY2008, a state's allotment is calculated as 110% of the greatest of the following four amounts: (1) the state's FY2007 federal CHIP spending multiplied by the annual adjustment; (2) the state's FY2007 federal CHIP allotment multiplied by the annual adjustment; (3) for states that were determined in FY2007 to have exhausted their own federal CHIP allotments (and therefore designated a shortfall state for FY2007), the state's FY2007 projected spending as of November 2006 (or as of May 2006, for a state whose May 2006 projection was $95 million to $96 million higher than its November 2006 projection) multiplied by the annual adjustment; and (4) the state's FY2008 federal CHIP projected spending as of August 2007 and certified by the state to the Secretary not later than September 30, 2007.

The annual adjustment for health care cost growth and child population growth is the product of (1) 1 plus the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for the fiscal year over the prior fiscal year, and (2) 1.01 plus the percentage increase in the child population (under age 19) in each state as of July 1 of the fiscal year over the prior fiscal year's, based on the most timely and accurate published estimates from the Census Bureau.

For FY2009 to FY2012, a state's allotment is calculated as 110% of its projected spending for that year, as submitted to CMS no later than August 31 of the preceding fiscal year.

For FY2008, if the state allotments as calculated exceed the available national allotment, the allotments are reduced proportionally. For FY2009 to FY2012, if the state allotments as calculated exceed the available national allotment, then the available national allotment is distributed to each state according to its percentage calculated as the sum of the following four factors:

Each state's projected federal CHIP expenditures for that fiscal year (as certified by the state to the Secretary no later than the August 31 of the preceding fiscal year), calculated as a percentage of the national total, multiplied by 75%;

Each state's number of low-income children (based on the most timely and accurate published estimates from the Census Bureau), calculated as a percentage of the national total, multiplied by 12½%;

Each state's projected federal CHIP expenditures for the preceding fiscal year (as certified by the state to the Secretary in November of the fiscal year), calculated as a percentage of the national total, multiplied by 7½%; and

Each state's actual federal CHIP expenditures for the second preceding fiscal year, as determined by the Secretary, calculated as a percentage of the national total, multiplied by 5%.

If a state's projected CHIP expenditures for FY2009 to FY2012 are at least 10% more than the last year's allotment (excluding any reduction in states' allotments due to insufficient available national allotment) then, unless the state received approval in the prior year of a state plan amendment or waiver to expand CHIP coverage or the state received a payment from the CHIP Contingency Fund, the state must submit to the Secretary by August 31 before the fiscal year information relating to the factors that contributed to the need for the increase in the state's allotment, as well as any other information that the Secretary may require for the state to demonstrate the need for the increase in the state's allotment. The Secretary shall notify the state in writing within 60 days after receipt of the information that (1) the projected expenditures are approved or disapproved (and if disapproved, the reasons for disapproval); or (2) specified additional information is needed. If the Secretary disapproved the projected expenditures or determined additional information is needed, the Secretary shall provide the state with a reasonable opportunity to submit additional information to demonstrate the need for the increase in the State's allotment for the fiscal year. If a determination has not determined by September 30 whether the state has demonstrated the need for the increase in its allotment, the Secretary shall provide the state with a provisional allotment for the fiscal year equal to 110% of last year's allotment (excluding any reduction in states' allotments due to insufficient available national allotment). Once the Secretary makes a determination, the Secretary may adjust the state's allotment (and the allotments of other states) accordingly, but not later than November 30 of the fiscal year.

For FY2008 allotment factors based on CHIP expenditures, the Secretary of Health and Human Services (HHS) shall use the most recent FY2007 expenditure data available to the Secretary before the start of FY2008. The Secretary may adjust the FY2008 allotments based on the actual expenditure data reported to CMS no later than November 30, 2007; the Secretary may not make adjustments after December 31, 2007.

For purposes of determining a state's allotment, the state's projected expenditures shall include payments projected using §2105(g) (discussed in Section 110) and for certain CHIP-enrolled parents and childless adults (discussed in Section 105).

SECTION 103. ONE-TIME APPROPRIATION FOR FY2012

Current Law

No provision.

Explanation of Provision

In FY 2012, a one-time appropriation of $12,500,000,000 shall be made to the Secretary of Health and Human Services to add to the funds already provided under section 2104(a) for that year only. Such funds shall be distributed by the Secretary in a manner consistent with and under the same terms and conditions of section 102 of this Act.

SECTION 104. IMPROVING FUNDING FOR THE TERRITORIES UNDER CHIP AND MEDICAID

Current Law

The territories were to receive 0.25 percent of the total appropriations provided in §2104(a). Later legislation added specific appropriations for the territories in FY1999 to FY2007:

$32,000,000 in FY 1999;
$34,200,000 in FY 2000;
$34,200,000 in FY 2001;
$25,200,000 in FY 2002;
$25,200,000 in FY 2003;
$25,200,000 in FY 2004;
$32,400,000 in FY 2005;
$32,400,000 in FY 2006; and
$40,000,000 in FY 2007.

For FY 1999, the $32 million represented approximately 0.75 percent of the total appropriations in §2104(a). For FY2000 to FY2007, the additional appropriation equaled 0.8 percent of the total appropriations in §2104(a). Combined with the 0.25 percent available through the original enacting legislation, the territories were allotted 1.05% of the total appropriations in §2104(a) from FY2000 to FY2007.

The amounts set aside for the territories were distributed according to the following percentages provided in statute: Puerto Rico, 91.6 percent; Guam, 3.5 percent; the Virgin Islands, 2.6 percent; American Samoa, 1.2 percent; and the Northern Mariana Islands, 1.1 percent.

Medicaid (and SCHIP) programs in the territories are subject to spending caps specified in statute. The federal Medicaid matching rate, which determines the share if Medicaid expenditures paid for by the federal government, is statutorily set at 50 percent of the territories. Therefore, the federal government pays 50% of the cost of Medicaid items and services in the territories up to the spending caps. For the 50 states and DC, certain administrative functions have a higher federal match. For example, startup expenses for specified computer systems are matched at 90%, and there is a 100% match for the implementation and operation of immigration status verification systems.

Explanation of Provision

From the national CHIP appropriation, the allotments to the territories are calculated as follows. For FY2008, each territory's allotment is its highest annual federal CHIP spending between FY1998 and FY2007, plus the annual adjustment for health care cost growth and national child population growth. FY2007 spending will be determined by the Secretary based on the most timely and accurate published estimates of the Census Bureau. For FY2009 through FY2012, each territory's allotment is the prior year's allotment, plus the annual adjustment for health care cost growth and national child population growth.

For FY2008 and each fiscal year thereafter, federal matching payments for specified data reporting systems (i.e., the design, development, and operations of claims processing systems and citizenship documentation data systems in each of Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa would be subject to the 90% federal match rate for the startup expenses associated with such systems and the 75% federal match rate for the operation of such systems without regard to the specified spending caps.

The provision would require the Government Accountability Office (GAO) to submit a report to the appropriate committees of Congress not later than September 30, 2009, with regard to the territories' eligible Medicaid and CHIP populations, their historical and projected spending and the ability of capped funding streams to address such needs, the extent to which the federal poverty level is used for determining Medicaid and CHIP eligibility in the territories, and the extent to which the territories participate in data collection and reporting with regard to Medicaid and CHIP and specifically the extent to which they participate in the Current Population Survey versus the American Community Survey, which are federal surveys that estimate the number of low-income children in the states. The report is also to provide recommendations for improving Medicaid and CHIP funding to the territories.

SECTION 105. INCENTIVE BONUSES FOR STATES

Current Law

No provision.

Explanation of Provision

Incentive Pool

A CHIP Incentive Bonuses Pool is established in the U.S. Treasury. The Incentive Pool receives deposits from an initial appropriation in FY2008 of $3 billion, along with transfers from six different potential sources, with the currently available but not immediately required funds invested in interest-bearing U.S. securities that provide additional income into the Incentive Pool. The six sources for deposits are as follows:

On December 1, 2007, the amount by which states' FY2006 and FY2007 allotments not expended by September 30, 2007, exceed 50% of the federal share of the FY2008 allotment, as determined by the Secretary by not later than October 1, 2007;

On each December 1 from 2008 to 2012, any of the annual CHIP appropriation not used by the states;

On October 1 of fiscal years 2009 to 2012, the amount by which the unspent funds from the prior year's allotment exceeds the applicable percentage of that allotment. The applicable percentage is 20% for FY2009, and 10% for FY2010, FY2011, and FY2012;

Any original allotment amounts not expended by the end of their second year of availability;

On October 1, 2009, any amounts set aside for transition off of CHIP coverage for childless adults that are not expended by September 30, 2009; and

On October 1 of FY2009 through FY2012, any amounts in the CHIP Contingency Fund in excess of the fund's aggregate cap, as well as any Contingency Fund payments provided to a state that are unspent at the end of the fiscal year following the one in which the funds were provided.

Funds from the Incentive Pool are payable in FY2008 to FY2012 to states that have increased their Medicaid and CHIP enrollment among low-income children above a defined baseline, with associated payments as follows (reduced proportionally if necessary). (For purposes of Incentive Pool policies, a ''child'' enrolled in Medicaid means an individual under age 19—or age 20 or 21, if a state has so elected under its Medicaid plan; and ''low-income children'' means children in

families with incomes at 200% of federal poverty or below.) Beginning in FY2009, a state may receive a payment from the Incentive Pool if its average monthly enrollment of low-income children in CHIP and Medicaid for the coverage period (which is defined as the last two quarters of the preceding fiscal year and the first two quarters of the fiscal year, except that for FY2009 it is based only on the first two quarters of FY2009) exceeds the baseline monthly average.

For FY2009, the baseline monthly average is each state's average monthly enrollment in the first two quarters of FY2007 enrollment (as determined over a 6–month period on the basis of the most recent information reported through the Medicaid Statistical Information System (MSIS) multiplied by the sum of 1.02 and the percentage increase in the population of low-income children in the state from FY2007 to FY2009, as determined by the Secretary based on the most recent published estimates from the Census Bureau before the beginning of FY2009. For FY2010 onward, the baseline monthly average is the prior year's baseline monthly average multiplied by the sum of 1.01 and the percentage increase in the population of low-income children in the state over the preceding fiscal year, as determined by the Secretary based on the most recent published estimates from the Census Bureau before the beginning of the fiscal year.

A state eligible for a bonus shall receive in the last quarter of the fiscal year the following amount, depending on the ''excess'' of the state's enrollment above the baseline monthly average: (i) If such excess with respect to the number of individuals who are enrolled in the State plan under title XIX does not exceed 2 percent, the product of $75 and the number of such individuals included in such excess; (ii) if such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 2 percent, but does not exceed 5 percent, the product of $300 and the number of such individuals included in such excess; and (iii) if such excess with respect to the number of individuals who are enrolled in the State plan under title XIX exceeds 5 percent, the product of $625 and the number of such individuals included in such excess. For FY2010 onward, these dollar amounts are to be increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for the calendar year beginning on January 1 of the coverage period over that of the preceding coverage period.

Payments from the Incentive Pool shall be used for any purpose that the State determines is likely to reduce the percentage of low-income children in the State without health insurance.

Redistribution of FY2005 Allotments

An appropriation of $5,000,000 is provided to the Secretary for FY2008 for improving the timeliness of MSIS and to provide guidance to states with respect to any new reporting requirements related to such improvements. Amounts appropriated are available until expended. The resulting improvements are to be designed and implemented so that beginning no later than October 1, 2008, Medicaid and CHIP enrollment data are collected and analyzed by the Secretary within six months of submission.

FY2005 original CHIP allotments unspent at the end of FY2007 are to be redistributed on a proportional basis to states that were projected at any point in FY2007 to exhaust their federal CHIP allotments.

SECTION 106. PHASE-OUT OF COVERAGE FOR NONPREGNANT CHILDLESS ADULTS UNDER CHIP, CONDITIONS FOR COVERAGE OF PARENTS

Current Law

Section 1115 of the Social Security Act gives the Secretary of HHS broad authority to modify virtually all aspects of the Medicaid and SCHIP programs. Under Section 1115, the Secretary may waive requirements in Section 1902 (usually, freedom of choice of provider, comparability, and statewideness). For SCHIP, no specific sections or requirements are cited as ''waive-able.'' SCHIP statute simply states that Section 1115, pertaining to research and demonstration projects, applies to SCHIP. States may obtain waivers that allow them to provide services to individuals not traditionally eligible for SCHIP, or limit benefit packages for certain groups as long as the Secretary determines that these programs further the goals of SCHIP.

Approved SCHIP Section 1115 waivers are deemed to be part of a state's SCHIP state plan for purposes of federal reimbursement. Costs associated with waiver programs are subject to each state's enhanced-FMAP. Under SCHIP Section 1115 waivers, states must meet an ''allotment neutrality test'' where combined federal expenditures for the state's regular SCHIP program and for the state's SCHIP demonstration program are capped at the state's individual SCHIP allotment. This policy limits federal spending to the capped allotment levels.

Under current law, including 1115 waiver authority, states cover pregnant women, parents of Medicaid and SCHIP eligible children and childless adults in their SCHIP programs.

The Deficit Reduction Act of 2005 prohibited the approval of new demonstration programs that allow federal SCHIP funds to be used to provide coverage to nonpregnant childless adults, but allowed for the continuation and renewal of such existing Medicaid or SCHIP waiver projects affecting federal SCHIP funds that were approved under the Section 1115 waiver authority before February 8, 2006.

Explanation of Provision

Childless Adults

The provision would prohibit the approval or renewal of Section 1115 demonstration waivers that allow federal CHIP funds to be used to provide coverage to nonpregnant childless adults (hereafter referred to as applicable existing waivers) on or after the date of enactment of this Act. Beginning on or after October 1, 2008, rules regarding the period to which an applicable existing waiver would apply, individuals eligible for coverage under such waivers, and the amount of federal payment available for such coverage would be subject to the following requirements: (1) no federal CHIP funds would be available for coverage of nonpregnant childless adults under an applicable existing waiver after September 30, 2008, (2) State-requested extensions of applicable existing waivers that would otherwise expire before October 1, 2008, would be granted by the Secretary but only through September 30, 2008, and (3) coverage to a nonpregnant childless adult under applicable existing waivers provided during FY2008 will be reimbursed at the CHIP enhanced FMAP rate.

States with applicable existing waivers (that are otherwise terminated under this provision) would be permitted to extend coverage, through FY2009, to individual nonpregnant childless adults who received coverage under the applicable existing waiver at any time during FY2008 (regardless of whether the individual lost coverage at any time during FY2008 and was later provided benefit coverage under the waiver in that fiscal year) subject to the following restrictions: (1) for each such State, the Secretary would be required to set aside an amount as part of a separate allotment equal to the federal share of the State's projected FY2008 expenditures (as certified by the state and submitted to the Secretary by August 31, 2008) for providing coverage under the waiver to such individuals in FY2008 increased by the annual adjustment for per capita health care growth (described in Section 102 of this bill), (2) the Secretary may adjust the set aside amount based on State-reported FY2008 expenditure data (reported on CMS Form 64 or CMS Form 21 not later than November 30, 2008), but in no case shall the Secretary adjust such amount after December 31, 2008, and (3) the Secretary would pay an amount equal to the federal Medicaid matching rate for expenditures related to such coverage (provided during FY2009) up to the set-aside spending cap.

States with existing CHIP waivers to extend coverage to nonpregnant childless adults (that are otherwise terminated under this provision) would be permitted to submit a request to CMS (not later than June 30, 2009) for a Medicaid nonpregnant childless adult waiver. For such states, the Secretary would be required to make a decision to deny or approve such application within 90 days of the date of submission. For such states, if no CMS decision to approve or deny such request has been made as of September 30, 2009, the provision would allow such application to be deemed approved.

States with applicable existing waivers that request a Medicaid nonpregnant childless adult waiver under this provision would be required to meet the following ''budget neutrality'' requirements. For fiscal year 2010, allowable waiver expenditures for such populations would not be permitted to exceed the total amount payments made to the State (as specified above) for FY2009, increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for fiscal year 2010 over fiscal year 2009). In the case of any succeeding fiscal year, allowable waiver expenditures for such populations would not be permitted to exceed each such State's set aside amount (described above) for the preceding fiscal year, increased by the percentage increase (if any) in the projected per capita spending in the National Health Expenditures for such fiscal year over the prior fiscal year.

Parents

The provision would also prohibit the approval of additional Section 1115 demonstration waivers that allow federal CHIP funds to be used to provide coverage to parent(s) of a targeted low-income child(ren) (hereafter referred to as applicable existing CHIP parent coverage waiver) on or after the date of enactment of this Act. Beginning on or after October 1, 2009, rules regarding the period to which an applicable existing CHIP parent coverage waiver extends coverage to eligible populations, and the amount of federal payment available for coverage to such populations under the waiver would be subject to the following requirements: (1) State-requested extensions of applicable existing CHIP-financed Section 1115 parent coverage waivers that would otherwise expire before October 1, 2009, would be granted by the Secretary but only through September 30, 2009, and (2) the CHIP enhanced FMAP rate would apply for such coverage to such eligible populations during FY2008 and FY2009.

States with existing CHIP waivers to extend coverage to parent(s) of targeted low-income child(ren) would be permitted to continue such assistance during each of fiscal

years 2010, 2011, and 2012 subject to the following requirements: (1) for each such State and for each such fiscal year, the Secretary would be required to set aside an amount as part of a separate allotment equal to the federal share of 110% of the State's projected expenditures (as certified by the state and submitted to the Secretary by August 31 of the preceding fiscal year) for providing waiver coverage to such individuals enrolled in the waiver in the applicable fiscal year, and (2) the Secretary would pay the State from the set aside amount (specified above) for each such fiscal year an amount equal to the applicable percentage for expenditures in the quarter to provide coverage as specified under the waiver to parent(s) of targeted low-income child(ren).

In fiscal year 2010 only, costs associated with such parent coverage would be subject to each such state's CHIP enhanced FMAP for States that meet one of the outreach or coverage benchmarks (listed below) in FY2009, or each such state's Medicaid FMAP rate for all other states. The provision would prohibit federal matching payments for the payment of services beyond the set-aside spending cap.

For fiscal year 2011 or 2012, costs associated with such parent coverage would be subject to: (1) each such state's Reduced Enhanced Matching Assistance Percentage (REMAP) (i.e., a percentage which would be equal to the sum of (a) each such state's FMAP percentage and (b) the number of percentage points equal to one-half of the difference between each such state's FMAP rate and each such state's enhanced FMAP rate) if the state meets one of the coverage benchmarks (listed below) for FY2010 or FY2011 (as applicable), or (2) each such state's FMAP rate if the state failed to meet any of the coverage benchmarks (listed below) for the applicable fiscal year. The provision would prohibit federal matching payments for the payment of services beyond the setaside spending cap.

FY2010 outreach and coverage benchmarks include: (1) the state implemented a significant child outreach campaign including (a) the state was awarded an outreach and enrollment grant (under Section 201 of this bill) for fiscal year 2009, (b) the state implemented 1 or more process measures for that fiscal year, or (c) the state has submitted a specific plan for outreach for such fiscal year, (2) the state ranks in the lowest 1/3 of the States in terms of the State's percentage of low-income children without health insurance based on timely and accurate published estimates of the Bureau of the Census, or (3) the State qualified for a payment from the Incentive Fund for the most recent coverage period.

FY2011 and 2012 coverage benchmarks include: (1) the state ranks in the lowest ⅓ of the States in terms of the State's percentage of low-income children without health insurance based on timely and accurate published estimates of the Bureau of the Census, and (2) the State qualified for a payment from the Incentive Fund for the most recent coverage period.

A rule of construction clarifies that states are not prohibited from submitting applications for 1115 waivers to provide medical assistance to a parent of a targeted low-income child.

The General Accountability Office would be required to conduct a study to determine if the coverage of a parent, caretaker relative, or legal guardian of a targeted low-income child increases the enrollment of or quality of care for children, and if such parents, relatives, and legal guardians are more likely to enroll their children in CHIP or Medicaid. Results of the study (and report recommended changes) would be reported to appropriate committees of Congress 2 years after the date of enactment.

SECTION 107. STATE OPTION TO COVER LOW-INCOME PREGNANT WOMEN UNDER CHIP THROUGH A STATE PLAN AMENDMENT

Current Law

Under SCHIP, states can cover pregnant women ages 19 and older in one of two ways: (1) via a special waiver of program rules (through Section 1115 authority), or (2) by providing coverage as permitted through regulation. In the latter case, coverage includes prenatal and delivery services only.

In general, SCHIP allows states to cover targeted low-income children with family income that is above applicable Medicaid eligibility levels in a given state. States can set the upper income level up to 200% FPL, or if the applicable Medicaid income level was at or above 200% FPL before SCHIP, the upper income limit may be raised an additional 50 percentage points above that level. Other SCHIP eligibility restrictions include (1) the child must be uninsured, (2) the child must be otherwise ineligible for regular Medicaid, and (3) the child cannot be an inmate of a public institution or a patient in an institution for mental disease, or eligible for coverage under a state employee health plan. States may provide SCHIP coverage to children who are covered under a health insurance program that has been in operation since before July 1, 1997 and that is offered by a state that receives no federal funds for this program. States may use enrollment restrictions such as capping total program enrollment, creating waiting lists, and instituting a minimum period of no insurance (e.g., 6 months) before being eligible.

Under regular Medicaid, states must provide coverage for pregnant women with income up to 133% FPL, and at state option, may extend such coverage to pregnant women with income up to 185% FPL. States must also provide coverage to first-time pregnant women with income that meets former cash assistance program rules (which were generally well below 100% FPL). The period of coverage for these mandatory and optional pregnant women is during pregnancy through the end of the month in which the 60 days postpartum period ends. In addition, waiver authority may be used to cover pregnant women at even higher income levels and for extended periods of time (e.g., 18 or 24 months postpartum).

Under regular Medicaid, states may temporarily enroll pregnant women whose family income appears to be below Medicaid income standards for up to 2 months until a final formal determination of eligibility is made. Entities that may qualify to make such presumptive eligibility determinations for pregnant women include Medicaid providers that are outpatient hospital departments, rural health clinics and certain other clinics, and other entities including certain primary care health centers and rural health care programs funded under Sections 330 and 330A of the Public Health Service Act, grantees under the Maternal and Child Health Block Grant Program, entities receiving funds under the Health Services for Urban Indians program, and entities that participate in WIC, the Commodity Supplemental Food Program, a state perinatal program (as designated by the state), or in the Indian Health Service or a health program or facility operated by tribes or tribal organizations under the Indian Self Determination Act.

Mandatory Medicaid eligibility applies to children under age 6 in families with income at or below 133% FPL. In addition, states may cover newborns under age 1 up to 185% FPL under Medicaid. Children born to Medicaid-eligible pregnant women must be deemed to be eligible for Medicaid from the date of birth up to age 1 so long as the child is a member of the mother's household, and the mother remains eligible for Medicaid (or would remain eligible if pregnant). During this period of deemed eligibility for the newborn, for claiming and payment purposes, the Medicaid identification (ID) number of the mother must also be used for the newborn, unless the state issues a separate ID number for the child during this period. In general, newborns may also be enrolled in SCHIP if they meet the applicable financial standards in a given state, which build on top of Medicaid's rules.

For families with income below 150% FPL, premiums cannot exceed nominal amounts specified in Medicaid regulations, and service-related cost-sharing is limited to nominal Medicaid amounts for the subgroup under 100% FPL and slightly higher amounts in SCHIP regulations for the subgroup with income between 100–150% FPL.

For families with income above 150% FPL, premiums and cost-sharing may be imposed in any amount as long as such costs for higher-income children are not less than the costs for lower-income children. Total premiums and cost-sharing incurred by all SCHIP children cannot exceed 5% of annual family income.

Other cost-sharing protections also apply. Applicable premium and cost-sharing amounts cannot favor children from families with higher income over children in families with lower income. No cost-sharing may be applied to preventive services.

Explanation of Provision

The provision would allow states to provide optional coverage under CHIP to pregnant women, through a state plan amendment, if certain conditions are met, including (1) the state has established an income eligibility level of at least 185% FPL for mandatory, welfare-related qualified pregnant women and optional poverty-related pregnant women under Medicaid, (2) the state does not apply an effective income level under the state plan amendment for pregnant women that is lower than the effective income level (expressed as a percent of poverty and accounting for applicable income disregards) for mandatory, welfare-related qualified pregnant women and optional poverty-related pregnant women under Medicaid on the date of enactment of this provision to be eligible for Medicaid as pregnant women, (3) the state does not provide coverage for pregnant women with higher family income without covering such pregnant women with a lower family income, (4) the state provides pregnancy-related assistance (defined below) for targeted low-income pregnant women in the same manner, and subject to the same requirements, as the state provides child health assistance for targeted low-income children under the state CHIP plan, and in addition to providing child health assistance for such women, (5) the state does not apply any exclusion of benefits for pregnancy-related assistance based on any pre-existing condition or any waiting period (including waiting periods to ensure that CHIP does not substitute for private insurance coverage), and (6) the state must provide the same cost-sharing protections to pregnant women as applied to CHIP children, and all cost-sharing incurred by targeted low-income pregnant women under CHIP would be capped at 5% of annual family income.

States that elect this new optional coverage for pregnant women under CHIP and that meet all the above conditions associated with this option, may also elect to provide presumptive eligibility for pregnant women, as defined in the Medicaid statute, to targeted low-income pregnant women under CHIP.

Pregnancy-related assistance would include all the services covered as child health assistance under the state's CHIP program, and includes medical assistance that would be provided to a pregnant woman under Medicaid, during pregnancy through the end of the month in which the 60 day postpartum period ends. The upper income limit for coverage of targeted low-income pregnant women under CHIP could be up to the level for coverage of targeted low-income children in the state. As with targeted low-income children under CHIP, the new group of targeted low-income pregnant women must be determined eligible, be uninsured, and must not be an inmate of a public institution or a patient in an institution for mental disease or eligible for coverage under a state employee health benefit plan. Also as with targeted low-income children, pregnant women may include those covered under a health insurance program that has been in operation since before July 1, 1997 and that is offered by a state that receives no federal funds for this program.

The provision would also deem children born to the new group of targeted low-income pregnant women under CHIP to be eligible for Medicaid or CHIP, as applicable.

Such newborns would be covered from birth to age 1. During this period of eligibility, the mother's identification number must also be used for filing claims for the newborn, unless the state issues a separate identification number for that newborn.

The provision would also address States that provide assistance through other options. The option to provide assistance in accordance with the preceding subsections of this section shall not limit any other option for a State to provide (A) child health assistance through the application of sections 457.10, 457.350(b)(2), 457.622(c)(5), and 457.626(a)(3) of title 42, Code of Federal Regulations, or (B) pregnancy-related services through the application of any other waiver authority (as in effect on June 1, 2007).

Any State that provides child health assistance under any authority described in paragraph (1) may continue to provide such assistance, as well as postpartum services, through the end of the month in which the 60-day period (beginning on the last day of the pregnancy) ends, in the same manner as assistance and postpartum services would be provided if provided under the State plan under title XIX, but only if the mother would otherwise satisfy the eligibility requirements that apply under the State child health plan (other than with respect to age) during such period.

A rule of construction clarifies that nothing in this subsection shall be construed to (A) infer the congressional intent regarding the legality or illegality of the content of sections of title 42, Code of Federal Regulations, specified in paragraph (l)(A), or (B) modify the authority to provide pregnancy-related services under a waiver specified in paragraph (l)(B).

For the new group of targeted low-income pregnant women, additional conforming amendments would prohibit cost-sharing for pregnancy-related services and waiting periods prior to enrollment or for the purpose of preventing crowd-out of private health insurance.

SECTION 108. CHIP CONTINGENCY FUND

Current Law

No provision.

Explanation of Provision

A CHIP Contingency Fund is established in the U.S. Treasury. The Contingency Fund receives deposits through a separate appropriation. For FY2009, the appropriation to the Fund is equal to 12.5% of the available national allotment for CHIP. For FY2010 through FY2012, the appropriation is such sums as are necessary for making payments to eligible states for the fiscal year, as long as the annual payments do not exceed 12.5% of that fiscal year's available national allotment for CHIP. Balances that are not immediately required for payments from the Fund are to be invested in U.S. securities that provide addition income to the Fund, as long as the annual payments do not cause the Fund to exceed 12.5% of the available national allotment for CHIP. Amounts in excess of the 12.5% limit shall be deposited into the Incentive Pool. For purposes of the CHIP Contingency Fund, amounts set aside for block grant payments for transitional coverage of childless adults shall not count as part of the available national allotment.

Payments from the Fund are to be used only to eliminate any eligible state's shortfall (that is, the amount by which a state's available federal CHIP allotments are not adequate to cover the state's federal CHIP expenditures, on the basis of the most recent data available to the Secretary or requested from the state by the Secretary).

The Secretary shall separately compute the shortfalls attributable to children and pregnant women, to childless adults, and to parents of low-income children. No payment from the Contingency Fund shall be made for nonpregnant childless adults. Any payments for shortfalls attributable to parents shall be made from the Fund at the relevant matching rate. Contingency funds are not transferable among allotments.

Eligible states, which cannot be a territory, for a month in FY2009 to FY2012 are those that meet any of the following criteria:

The state's available federal CHIP allotments are at least 95% but less than 100% of its projected federal CHIP expenditures for the fiscal year (i.e., less than 5% shortfall in federal funds), without regard to any payments provided from the Incentive Fund; or

The state's available federal CHIP allotments are less than 95% of its projected federal CHIP expenditures for the fiscal year (i.e., more than 5% shortfall in federal funds) and that such shortfall is attributable to one or more of the following: (1) One or more parishes or counties has been declared a major disaster and the President has determined individual and public assistance has been warranted from the federal government pursuant to the Stafford Act, or a public health emergency was declared by the Secretary pursuant to the Public Health Service Act; (2) the state unemployment rate is at least 5.5% during any 13 consecutive week period during the fiscal year and such rate is at least 120% of the state unemployment rate for the same period as averaged over the last three fiscal years; (3) the state experienced a recent event that resulted in an increase in the percentage of low-income children in the state without health insurance (as determined on the basis of the most timely and accurate published estimates from the Census Bureau) that was outside the control of the state and warrants granting the state access to the Fund, as determined by the Secretary.

The Secretary shall make monthly payments from the Fund to all states determined eligible for a month. If the sum of the payments from the Fund exceeds the amount available, the Secretary shall reduce each payment proportionally.

If a state was determined to be eligible in a given fiscal year, that does not make the state eligible in the following fiscal year. In the case of an event that occurred after July 1 of the fiscal year that resulted in the declaration of a Stafford Act or public health emergency that increased the number of uninsured low-income children as described above, any related Contingency Fund payment shall remain available until the end of the following fiscal year.

The Secretary shall provide annual reports to Congress on the Contingency Fund, the payments from it, and the events that caused states to apply for payment.

SECTION 109. 2-YEAR AVAILABILITY OF ALLOTMENTS; EXPENDITURES COUNTED AGAINST OLDEST ALLOTMENTS

Current Law

SCHIP allotments (currently through FY2007) are available for three years. Allotments unspent after three years are available for reallocation. For example, the FY2004 allotment was available through the end of FY2006; any remaining balances at the end of FY2006 were redistributed to other states.

Explanation of Provision

CHIP allotments through FY2006 are available for three years. CHIP allotments made for FY2007 through FY2012 are available for two years.

Payments to states from the Incentive Pool are available until expended by the state. Payments for a month from the Contingency Fund are available through the end of the fiscal year, except in the case of an event that occurred after July 1 of the fiscal year that resulted in the declaration of a Stafford Act or public health emergency that increased the number of uninsured low-income children.

States' federal CHIP expenditures on or after October 1, 2007, shall be counted first against the Contingency Funds from the earliest available month in the earliest fiscal year, then against the earliest available allotments.

A State may elect, but is not required, to count CHIP expenditures against any incentive bonuses paid to the State.

Expenditures for coverage of nonpregnant childless adults in FY2009 and of parents of targeted low-income children in FY2010 through FY2012 shall be counted only against the amount set aside for such coverage

SECTION 110. LIMITATION ON MATCHING RATE FOR STATES THAT PROPOSE TO COVER CHILDREN WITH EFFECTIVE FAMILY INCOME THAT EXCEEDS 300 PERCENT OF THE POVERTY LINE

Current Law

The federal medical assistance percentage (FMAP) is the rate at which states are reimbursed for most Medicaid service expenditures. It is based on a formula that provides higher reimbursement to states with lower per capita incomes relative to the national average (and vice versa); it has a statutory minimum of 50% and maximum of 83%. There are statutory exceptions to the FMAP formula for the District of Columbia (since FY1998) and Alaska (for FY1998–FY2007). In addition, the territories have FMAPs set at 50% and are subject to federal spending caps.

The enhanced FMAP (E–FMAP) for SCHIP equals a state's Medicaid FMAP increased by the number of percentage points that is equal to 30% multiplied by the number of percentage points by which the FMAP is less than 100%. For example, in states with an FMAP of 60%, the E–FMAP equals the FMAP increased by 12 percentage points (60% + [30% multiplied by 40 percentage points] = 72%). The E–FMAP has a statutory minimum of 65% and maximum of 85%.

Explanation of Provision

For child health assistance or health benefits coverage furnished in any fiscal year inning with FY2008 to a targeted low-income child whose effective family income would exceed 300% of the federal poverty line but for the application of a general exclusion of

a block of income that is not determined by type of expense or type of income, states would be reimbursed using the FMAP instead of the E-FMAP for services provided to that child. An exception would be provided for states that, on the date of enactment of the Children's Health Insurance Program (CHIP) Reauthorization Act of 2007 has an approved State plan amendment or waiver or has enacted a State law to submit a State plan amendment to provide child health assistance or health benefits under their state child health plan or its waiver of such plan to children above 300% of the poverty line.

SECTION 111. OPTION FOR QUALIFYING STATES TO RECEIVE THE ENHANCED PORTION OF THE CHIP MATCHING RATE FOR MEDICAID COVERAGE OF CERTAIN CHILDREN CURRENT LAW

Current Law

Section 2105(g) of the Social Security Act permits qualifying states to apply federal SCHIP funds toward the coverage of certain children already enrolled in regular Medicaid (that is, not SCHIP-funded expansions of Medicaid). Specifically, these federal SCHIP funds are used to pay the difference between SCHIP's enhanced Federal Medical Assistance Percentage (FMAP) and the Medicaid FMAP that the state is already receiving for these children. Funds under this provision may only be claimed for expenditures occurring after August 15, 2003.

Qualifying states are limited in the amount they can claim for this purpose to the lesser of the following two amounts: (1) 20% of the state's original SCHIP allotment amounts (if available) from FY1998, FY1999, FY2000, FY2001, FY2004, FY2005, FY2006, and FY2007 (hence the ''terms ''20% allowance'' and ''20% spending''); and (2) the state's available balances of those allotments. If there is no balance, states may not claim Section 2105(g) spending.

The statutory definitions for qualifying states capture most of those that had expanded their upper-income eligibility levels for children in their Medicaid programs to 185% of the federal poverty level or higher prior to the enactment of SCHIP. Based on statutory definitions, 11 states were determined to be qualifying states: Connecticut, Hawaii, Maryland, Minnesota, New Hampshire, New Mexico, Rhode Island, Tennessee, Vermont, Washington and Wisconsin.

SCHIP spending under §2105(g) can be used by qualifying states only for Medicaid enrollees (excluding those covered by an SCHIP-funded expansion of Medicaid) who are under age 19 and whose family income exceeds 150% of poverty, to pay the difference between the SCHIP enhanced FMAP and the regular Medicaid FMAP.

Explanation of Provision

Qualifying states under §2105(g) may also use available balances from their CHIP allotments from FY2008 to FY2012 to pay the difference between the regular Medicaid FMAP and the CHIP enhanced FMAP for Medicaid enrollees under age 19 (or age 20 or 21, if the state has so elected in its Medicaid plan) whose family income exceeds 133% of poverty.

TITLE II—A OUTREACH AND ENROLLMENT

SECTION 201. GRANTS FOR OUTREACH AND ENROLLMENT

Current Law

The federal and state governments share in the costs of both Medicaid and SCHIP, based on formulas defining the federal contribution in federal law. States are responsible for the non-federal share, using state tax revenues, for example, but can also use local government funds to comprise a portion of the non-federal share. Generally, the non-federal share of costs under Medicaid and SCHIP cannot be comprised of other federal funds.

Under Medicaid, there are no caps on administrative expenses that may be claimed for federal matching dollars. Title XXI specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance, which meets certain requirements. Apart from these benefit payments; SCHIP payments for four other specific health care activities can be made, including: (1) other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of SCHIP children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, payments for other specific health care activities cannot exceed 10% of the total amount of expenditures for SCHIP benefits and other specific health care activities combined.

Explanation of Provision

The provision would establish a new grant program under CHIP to finance outreach and enrollment efforts that increase participation of eligible children in both Medicaid and CHIP. For the purpose of awarding grants, the provision would appropriate $100 million for fiscal years 2008 through 2012. These amounts would be in addition to amounts appropriated for CHIP allotments to states (as per Section 2104 of the CHIP statute) and would not be subject to restrictions on expenditures for outreach activities under current law.

For each fiscal year, the provision would require that ten percent of the funds appropriated for this new grant would be set aside to finance a national enrollment campaign (described below), and an additional 10 percent would be set-side to be used by the Secretary to award grants to Indian Health Service providers and Urban Indian Organizations that receive funds under title V of the Indian Health Care Improvement Act for outreach to, and enrollment of, children who are Indians.

The provision would require the Secretary to develop and implement a national enrollment campaign to improve the enrollment of under-served child populations in Medicaid and CHIP. Such a campaign may include: (1) the establishment of partnerships with the Secretary of Education and the Secretary of Agriculture to develop national campaigns to link the eligibility and enrollment systems for the programs each Secretary administers that often serve the same children, (2) the integration of information about Medicaid and CHIP in public health awareness campaigns administered by the Secretary, (3) increased financial and technical support for enrollment hotlines maintained by the Secretary to ensure that all states participate in such hotlines, (4) the establishment of joint public awareness outreach initiatives with the Secretary of Education and the Secretary of Labor regarding the importance of health insurance to building strong communities and the economy, (5) the development of special outreach materials for Native Americans or for individuals with limited English proficiency, and (6) such other outreach initiatives as the Secretary determines would increase public awareness of Medicaid and CHIP.

In awarding grants, the Secretary would be required to give priority to entities that propose to target geographic areas with high rates of eligible but not enrolled children who reside in rural areas, or racial and ethnic minorities and health disparity populations, including proposals that address cultural and linguistic barriers to enrollment, and which submit the most demonstrable evidence that (1) the entity includes members with access to, and credibility with, ethnic or low-income populations in the targeted communities, and (2) the entity has the ability to address barriers to enrollment (e.g., lack of awareness of eligibility, stigma concerns, punitive fears associated with receipt of benefits) as well as other cultural barriers to applying for and receiving coverage under CHIP or Medicaid.

To receive grant funds, eligible entities would be required to submit an application to the Secretary in such form and manner, and containing such information as the Secretary chooses. As noted above, such applications must include evidence that the entity (a) includes members with access to, and credibility with, ethnic or low-income populations in the targeted communities, and (b) has the ability to address barriers to enrollment (e.g., lack of awareness of eligibility, stigma concerns, punitive fears associated with receipt of benefits) as well as other cultural barriers to applying for and receiving CHIP or Medicaid benefits. The applicable must also include specific quality or outcome performance measures to evaluate the effectiveness of activities funded by the grant. In addition, the applicable must contain an assurance that the entity will (1) conduct an assessment of the effectiveness of such activities against the performance measures, (2) cooperate with the collection and reporting of enrollment data and other information in order for the Secretary to conduct such assessment, and (3) in the case of an entity that is not a state, provide the state with enrollment data and other information necessary for the state to make projections of eligible children and pregnant women. The Secretary would be required to make publicly available the enrollment data and information collected and reported by grantees, and would also be required to submit an annual report to Congress on the funded outreach and enrollment activities conducted under the new grant.

Seven types of entities would be eligible to receive grants, including (1) a state with an approved CHIP plan, (2) a local government, (3) an Indian tribe or tribal consortium, a tribal organization, an urban Indian organization receiving funds under title V of the Indian Health Care Improvement Act, or an Indian Health Service provider, (4) a federal health safety net organization, (5) a national, local, or community-based public or nonprofit organization, including organizations that use community health workers or community-based doula programs, (6) a faith-based organization or consortia, to the extent that a grant awarded to such an entity is consistent with requirements of section 1955 of the Public Health Service Act relating to a grant award to non-governmental entities, or (7) an elementary or secondary school.

Federal health safety net organizations include a number of different types of entities, including for example: (1) federally qualified health centers, (2) hospitals that receive disproportionate share hospital (DSH) payments, (3) entities described in Section 340B(a)(4) of the Public Health Service Act (e.g., certain family planning projects, certain grantees providing early intervention services for HIV disease, certain comprehensive hemophilia diagnostic treatment centers, and certain Native Hawaiian health centers), and (4) any other entity or consortium that serves children under a federally-funded program, including the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), Head Start programs, school lunch programs, and elementary or secondary schools.

The provision defines ''community health worker'' as an individual who promotes health or nutrition within the community in which the individual resides by (1) serving as a liaison between communities and health

care agencies, (2) providing guidance and social assistance to residents, (3) enhancing residents' ability to effectively communicate with health care providers, (4) providing culturally and linguistically appropriate health or nutrition education, (5) advocating for individual and community health or nutrition needs, and (6) providing referral and follow-up services.

In the case of a State that is awarded an Outreach and Enrollment grant, the State would be required to meet a maintenance of effort requirement with regard to the state share of funds spent on outreach and enrollment activities under the CHIP state plan. For such states, the funds spent on outreach and enrollment under the state plan for a fiscal year would not permitted to be less than the State share of funds spent in the fiscal year preceding the first fiscal year for which the grant is awarded.

The provision would add translation and interpretation services to the specific health care activities that can be reimbursed under CHIP. Translation or interpretation services in connection with the enrollment and use of services under CHIP by individuals for whom English is not their primary language (as found by the Secretary for the proper and efficient administration of the state plan) would be matched at either 75% or the sum of the enhanced FMAP for the state plus five percentage points, whichever is higher.

In addition, the 10% limit on payments for other specific health care activities in current CHIP statute would not apply to expenditures for outreach and enrollment activities funded under this section.

SECTION 202. INCREASED OUTREACH AND ENROLLMENT OF INDIANS

(a) Agreements with States for Medicaid and CHIP Outreach on or Near Reservations to Increase the Enrollment of Indians in Those Programs

Current Law

No provision in the Social Security Act.

Section 404(a) of the IHCIA requires the Secretary to make grants or enter into contracts with Tribal Organizations for establishing and administering programs on or near federal Indian reservations and trust areas and in or near Alaska Native villages. The purpose of the programs is to assist individual Indians to enroll in Medicare, apply for Medicaid and pay monthly premiums for coverage due to financial need of such individuals. Section 404(b) of the IHCIA directs the Secretary, through the IHS, to set conditions for any grant or contract. The conditions include, but are not limited to: (1) determining the Indian population that is, or could be, served by Medicare and Medicaid; (2) assisting individual Indians to become familiar with and use benefits; (3) providing transportation to Indians to the appropriate offices to enroll or apply for medical assistance; and (4) developing and implementing both an income schedule to determine premium payment levels for coverage of needy individuals and methods to improve Indian participation in Medicare and Medicaid. Section 404(c) of the IHCIA authorizes the Secretary, acting through the IHS, to enter into agreements with tribes, Tribal Organizations, and Urban Indian Organizations to receive and process applications for medical assistance under Medicaid and benefits under Medicare at facilities administered by the IHS, or by a tribe, Tribal Organization or Urban Indian Organization under the Indian Self-Determination Act.

Explanation of Provision

The provision would amend Section 1139 of the Social Security Act (replacing the current Section 1139 provision dealing with an expired National Commission on Children).

The provision would encourage states to take steps to provide for enrollment of Indians residing on or near a reservation in Medicaid and CHIP. The steps could include outreach efforts such as: outstationing of eligibility workers; entering into agreements with the IHS, Indian Tribes (ITs), Tribal Organizations (TOs), and Urban Indian Organizations (UIOs) to provide outreach; education regarding eligibility, benefits, and enrollment; and translation services. The provision would not affect the arrangements between states and Indian Tribes, Tribal Organizations, and Urban Indian Organizations to conduct administrative activities under Medicaid and CHIP.

The provision would require the Secretary, acting through CMS, to take such steps as necessary to facilitate cooperation with and agreements between states, and the IHS, ITs, TOs, or UIOs relating to the provision of benefits to Indians under Medicaid and CHIP.

The provision would specify that the following terms have the meanings given to these terms in Section 4 of the Indian Health Care Improvement Act: Indian, Indian Tribe, Indian Health Program, Tribal Organization, and Urban Indian Organization.

(b) Nonapplication of 10 Percent Limit On Outreach and Certain Other Expenditures

Current Law

Title XXI of the Social Security Act provides states with annual federal SCHIP allotments based on a formula set in law. State SCHIP payments are matched by the federal government at an enhanced rate that builds on the base rate applicable to Medicaid. The SCHIP statute also specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance that meets certain requirements. States may also provide benefits to SCHIP children, called targeted low-income children, through enrollment in Medicaid. Apart from these benefit payments, SCHIP payments for four other specific health care activities can be made, including: (1) other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of targeted low-income children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, SCHIP statute specifies that payments for these four other specific health care activities cannot exceed 10% of the total amount of expenditures for benefits (excluding payments for services rendered during periods of presumptive eligibility under Medicaid) and other specific health care activities combined.

Explanation of Provision

The provision would exclude from the 10% cap on CHIP payments for the four other specific health care activities described above: (1) expenditures for outreach activities to families of Indian children likely to be eligible for CHIP or Medicaid, or under related waivers, and (2) related informing and enrollment assistance activities for Indian children under such programs, expansions, or waivers, including such activities conducted under grants, contracts, or agreements entered into under Section 1139 of this Act.

SECTION 203. OPTION FOR STATES TO RELY ON FINDINGS BY AN EXPRESS LANE AGENCY TO DETERMINE COMPONENTS OF A CHILD'S ELIGIBILITY FOR MEDICAID OR CHIP

Current Law

Medicaid law and regulations contain requirements regarding determinations of eligibility and applications for assistance. Generally, the Medicaid agency must determine the eligibility of each applicant no more than 90 days from the date of application for disability-based applications and 45 days for all other applications. The agency must assure that eligibility for care and services under the plan is determined in a manner consistent with the best interests of the recipients.

In limited circumstances outside agencies are permitted to determine eligibility for Medicaid. For example, when a joint TANF-Medicaid application is used the state TANF agency may make the Medicaid eligibility determination, or the Secretary may enter into an agreement with a given state to allow the Social Security Administration (SSA) to determine Medicaid eligibility of aged, blind, or disabled individuals in that state.

Applicants must attest to the accuracy of the information submitted on their Medicaid applications, and sign application forms under penalty of perjury. Each state must have an income and eligibility verification system under which (1) applicants for Medicaid and several other specified government programs must furnish their Social Security numbers to the state as a condition for eligibility, and (2) wage information from various specified government agencies is used to verify eligibility and to determine the amount of available benefits. Subsequent to initial application, states must request information from other federal and state agencies, to verify applicants' income, resources, citizenship status, and validity of Social Security number (e.g., income from the Social Security Administration (SSA), unearned income from the Internal Revenue Service (IRS), unemployment information from the appropriate state agency, qualified aliens must present documentation of their immigration status, which states must then verify with the Immigration and Naturalization Service, and the state must verify the SSN with the Social Security Administration). States must also establish a Medicaid eligibility quality control (MEQC) program designed to reduce erroneous expenditures by monitoring eligibility determinations. State Medicaid overpayments made on behalf of individuals due to an error in determining eligibility may not exceed 3% of the State's total Medicaid expenditures in a given fiscal year. Erroneous excess payments that exceed the 3% error rate will not be matched with Federal Medicaid funds.

With regard to criteria for State Personnel Administration and Offices, current law requires each state plan to establish and maintain methods of personnel administration in accordance with the Administration of the Standards for a Merit System of Personnel Administration, 5 CFR Part 900, Subpart F. States must assure compliance with the standards by local jurisdictions; assure that the U.S. Civil Service Commission has reviewed and determined the adequacy of state laws, regulations, and policies; obtain statements of acceptance of the standards by local agencies; submit materials to show compliance with these standards when requested by HHS; and have in effect an affirmative action plan, which includes specific action steps and timetables, to assure equal employment opportunity.

SCHIP defines a targeted low-income child as one who is under the age of 19 years with no health insurance, and who would not have been eligible for Medicaid under the rules in effect in the state on March 31, 1997. Federal law requires that eligibility for Medicaid and SCHIP be coordinated when states implement separate SCHIP programs. In these circumstances, applications for SCHIP coverage must first be screened for Medicaid eligibility.

Under Medicaid presumptive eligibility rules, states are allowed to temporarily enroll children whose family income appears to be below Medicaid income standards for up

to 2 months until a final formal determination of eligibility is made. Entities qualified to make presumptive eligibility determinations for children include Medicaid providers, agencies that determine eligibility for Head Start, subsidized child care, or the Special Supplemental Food Program for Women, Infants and Children (WIC). BIPA 2000 added several entities to the list of those qualified to make Medicaid presumptive eligibility determinations. These include agencies that determine eligibility for Medicaid or the State Children's Health Insurance Program (SCHIP); certain elementary and secondary schools; state or tribal child support enforcement agencies; certain organizations providing food and shelter to the homeless; entities involved in enrollment under Medicaid, TANF, SCHIP, or that determine eligibility for federally funded housing assistance; or any other entity deemed by a state, as approved by the Secretary of HHS. These Medicaid presumptive eligibility rules for children also apply to SCHIP.

Explanation of Provision

The provision would create a three year demonstration program that would allow up to 10 states to use Express Lane at Medicaid and SCHIP enrollment and renewal. The demonstration would provide $44 million for systems upgrades and implementation (not coverage costs) and $5 million for an independent evaluation of the demonstration at the end of three years and a report on the demonstration's effectiveness to Congress. The report would be due one year after completion of the demonstration.

The Demonstration would allow states the option to rely on a finding made by an Express Lane Agency within the preceding 12 months to determine whether a child under age 19 (or at state option age 20, or 21) has met one or more of the eligibility requirements (e.g., income, assets or resources, citizenship, or other criteria) necessary to determine an individual's initial eligibility, eligibility redetermination, or renewal of eligibility for medical assistance under Medicaid (including the waiver of requirements of this title).

If a finding from an Express Lane agency results in a child not being found eligible for Medicaid or CHIP, the State would be required to determine Medicaid or CHIP eligibility using its regular procedures. The provision does not relieve states of their obligation to determine eligibility for medical assistance under Medicaid, or prohibit state options intended to increase enrollment of eligible children under Medicaid or CHIP. In addition, the provision requires states to inform the families (especially those whose children are enrolled in CHIP) that they may qualify for lower premium payments or more comprehensive health coverage under Medicaid if the family's income were directly evaluated for an eligibility determination by the State Medicaid agency, and at the family's option they can seek a regular Medicaid eligibility determination.

The provision would allow States to rely on an Express Lane Agency finding that a child is a qualified alien as long as the Agency complies with guidance and regulatory procedures issued by the Secretary of Homeland Security for eligibility determinations of qualified aliens, and verifications of immigration status (that meet the requirements of Section 301 of this bill).

States that opt to use an Express Lane Agency to determine eligibility for Medicaid or CHIP may meet the CHIP screen and enroll requirements by using any of the following requirements: (1) establishing a threshold percentage of the Federal poverty level that is 30 percentage points (or such other higher number of percentage points) as the state determines reflects the income methodologies of the program administered by the Express Lane Agency and the Medicaid State plan, (2) providing that the child satisfies all income requirements for Medicaid eligibility, or (3) providing that such child has a family income that exceeds the Medicaid income eligibility threshold that serves as the lower income eligibility threshold for CHIP.

The provision would allow states to provide for presumptive eligibility under CHIP for a child who, based on an eligibility determination of an income finding from an Express Lane agency, would qualify for child health assistance under CHIP. During the period of presumptive eligibility, the State may determine the child's eligibility for CHIP based on telephone contact with family members, access to data available in electronic or paper format, or other means that minimize to the maximum extent feasible the burden on the family.

A State may initiate a Medicaid eligibility determination (and determine program eligibility) without a program application based on data obtained from sources other than the child (or the child's family), but such child can only be automatically enrolled in Medicaid (or CHIP) if the family affirmatively consented to being enrolled through affirmation and signature on an Express Lane agency application. The provision requires the State to have procedures in place to inform the individual of the services that will be covered, appropriate methods for using such services, premium or other cost sharing charges (if any) that apply, medical support obligations created by the enrollment (if applicable), and the actions the individual must take to maintain enrollment and renew coverage. For children who consent to enrollment in the State plan, the provision would allow the State to waive signature requirements on behalf of such child.

States that participate in the Express Lane Eligibility Demonstration would not be required to direct a child (or a child's family) to submit information or documentation previously submitted by the child or family to an Express Lane agency that the State relies on for its Medicaid eligibility determination. A participating state may rely on information from an Express Lane agency when evaluating a child's eligibility for Medicaid or SCHIP without a separate, independent confirmation of the information at the time of enrollment.

An Express Lane agency must be a public agency determined by the State agency to be capable of making the determinations described in the provisions of this section and is identified in the state plan under this title or Title XXI. Express Lane Agencies would include: (1) a public agency that determines eligibility for assistance under a State program funded under part A of title IV, a program funded under Part D of title IV, a State child health plan under title XXI, the Food Stamp Act of 1977, the Head Start Act, the Richard B. Russell National School Lunch Act, the Child Nutrition Act of 1966, or the Child Care and Development Block Grant, the Steward B. McKinney Homeless Assistance Act, the United States Housing Act of 1937, the Native American Housing Assistance and Self-Determination Act of 1996, (2) a state specified governmental agency that has fiscal liability or legal responsibility for the accuracy of the eligibility determination findings, and (3) a public agency that is subject to an interagency agreement limiting the disclosure and use of such information for eligibility determination purposes.

Programs run through Title XX (SSBG) are not eligible Express Lane agencies. Private for-profit organizations are not eligible Express Lane agencies. Current law applies regarding the ability of Medicaid to contract with non-profit and for-profit agencies to administer the Medicaid application process with clarifying language that nothing in this demonstration exempts states from the merit-based system for Medicaid employees. A rule of construction would also clarify that states may not use the Express Lane option as a means of avoiding current merit-based employment requirements for Medicaid determinations.

In addition, the provision would require such agencies to notify the child's family (1) of the information that will be disclosed under this provision, (2) that the information will be used solely for the purposes of determining eligibility under Medicaid and CHIP, (3) that the family may elect not to have the information disclosed for such purposes. The Express Lane agency must also enter into or be subject to an interagency agreement to limit the disclosure and use of such information.

As part of the demonstration, signatures under penalty of perjury would not be required on a Medicaid application form attesting to any element of the application for which eligibility is based on information received from a source other than an applicant. The provision would provide that any signature requirement for a Medicaid application may be satisfied through an electronic signature.

States participating in the Demonstration will have to code which children are enrolled in Medicaid or CHIP by way of Express Lane for the duration of the demonstration. States must take a statistically valid sample, approved by CMS, of the children enrolled via Express Lane annually for full Medicaid eligibility review to determine eligibility error rate. States submit the error rate to CMS and if the error rate exceeds 3% either of the first two years, the state must show CMS what corrective actions are in place to improve upon their error rate and will be required to reimburse erroneous excess payments that exceed the allowable error rate of 3%. However, CMS does not have the authority to apply the error rate derived from the Express Lane sample to the entire Express Lane or Medicaid child population, or to take other punitive action against a state based on the error rate. States that participate in the Express Lane demonstration will continue to be subject to existing requirements under Medicaid requiring states to reimburse erroneous excess payments that exceed the allowable error rate of 3% consistent with 1903(u).

SECTION 204. AUTHORIZATION OF CERTAIN INFORMATION DISCLOSURE TO SIMPLIFY HEALTH COVERAGE DETERMINATIONS

Current Law

Each state must have an income and eligibility verification system under which (1) applicants for Medicaid and several other specified government programs must furnish their Social Security numbers to the state as a condition for eligibility, and (2) wage information from various specified government agencies is used to verify eligibility and to determine the amount of available benefits. Subsequent to initial application, states must request information from other federal and state agencies, to verify applicants' income, resources, citizenship status, and validity of Social Security number (e.g., income from the Social Security Administration (SSA), unearned income from the Internal Revenue Service (IRS), unemployment information from the appropriate state agency, qualified aliens must present documentation of their immigration status, which states must then verify with the Immigration and Naturalization Service, and the state must verify the SSN with the Social

Security Administration). States must also establish a Medicaid eligibility quality control (MEQC) program designed to reduce erroneous expenditures by monitoring eligibility determinations.

Explanation of Provision

The provision would authorize federal or State agencies or private entities with potential data sources relevant for the determination of eligibility under Medicaid (e.g., eligibility files, vital records about births, etc.) to share such information with the Medicaid agency if: (1) the child (or such child's parent, guardian, or caretaker relative) has provided advanced consent to disclosure, and has not objected to disclosure, (2) such data are used solely for the purpose of identifying, enrolling, and verifying potential eligibility for Medicaid medical assistance, and (3) an interagency agreement prevents the unauthorized use, disclosure, or modification of such data, and otherwise meets federal standards for safeguarding privacy and data security, and requires the State agency to use such data for the purposes of child enrollment in Medicaid. The provision would impose criminal penalties for persons who engage in unauthorized activities with such data.

For purposes of the Express Lane Demonstration only, the provision would also authorize the Medicaid and CHIP programs to receive data directly relevant to eligibility determinations and determining the correct amount of benefits under such program from (1) the National New Hires Database, (2) the National Income Data collected by the Commissioner of Social Security, or (3) data about enrollment in insurance that may help to facilitate outreach and enrollment under Medicaid, CHIP and certain other programs.

Title III—Removal of Barriers to Enrollment

SECTION 301. VERIFICATION OF DECLARATION OF CITIZENSHIP OR NATIONALITY FOR PURPOSES OF ELIGIBILITY FOR MEDICAID AND CHIP

Current Law

To be eligible for the full range of benefits offered under Medicaid, an individual must be a citizen or national of the United States or a qualified alien. Nonqualified aliens can only receive limited emergency Medicaid benefits. Noncitizens who apply for full Medicaid benefits have been required since 1986 to present documentation that indicates a ''satisfactory immigration status.''

Due to recent changes in federal law, citizens and nationals also must present documentation that proves citizenship and documents personal identity in order for states to receive federal Medicaid reimbursement for services provided to them. This citizenship documentation requirement was included in the Deficit Reduction Act of 2005 (DRA, P.L. 109–171) and modified by the Tax Relief and Health Care Act of 2006 (P.L. 109–432). Before the DRA, states could accept self-declaration of citizenship for Medicaid, although some chose to require additional supporting evidence.

The citizenship documentation requirement is outlined under Section 1903(x) of the Social Security Act and applies to Medicaid eligibility determinations and redeterminations made on or after July 1, 2006. The law specifies documents that are acceptable for this purpose and exempts certain groups from the requirement, including people who receive Medicare benefits, Social Security benefits on the basis of a disability, Supplemental Security Income benefits, child welfare assistance under Title IV–B of the Social Security Act, or adoption or foster care assistance under Title IV–E of the Social Security Act. An interim final rule on the requirement was issued in July 2006, and a final rule was issued in July 2007.

The citizenship documentation requirement does not apply to SCHIP. However, some states use the same enrollment procedures for all Medicaid and SCHIP applicants. As a result, it is possible that some SCHIP enrollees would be asked to present evidence of citizenship.

Explanation of Provision

As part of its Medicaid state plan and with respect to individuals declaring to be U.S. citizens or nationals for purposes of establishing Medicaid eligibility, a state would be required to provide that it satisfies existing Medicaid citizenship documentation rules under Section 1903(x) or new rules under Section 1902(dd). The Secretary would not be allowed to waive this requirement.

Under a new Section 1902(dd), a state could meet its Medicaid state plan requirement for citizenship documentation by: (1) submitting the name and Social Security number (SSN) of an individual to the Commissioner of Social Security as part of a plan established under specified rules and (2) in the case of an individual whose name or SSN is invalid, providing the individual with an opportunity to cure the invalid determination with the Social Security Administration, followed by 90 days to present evidence of citizenship as defined in Section 1903(x) and disenrolling the individual within 30 days after the end of the 90-day period if evidence is not provided.

A state opting for name and SSN validation would be required to establish a program under which it submits each month to the Commissioner of Social Security for verification of the name and SSN of each individual enrolled in Medicaid that month who has attained the age of 1 before the date of the enrollment. In establishing its program, a state could enter into an agreement with the Commissioner to provide for the electronic submission and verification of name and SSN before an individual is enrolled in Medicaid.

At such times and in such form as the Secretary may specify, states would be required to provide information on the percentage of invalid names and SSNs submitted each month. If the average monthly percentage for any fiscal year is greater than 7%, the state shall develop and adopt a corrective plan and pay the Secretary an amount equal to total Medicaid payments for the fiscal year for individuals who provided invalid information multiplied by the ratio of the number of individuals with invalid information in excess of the 7% limited divided by the total number of individuals with invalid information. The Secretary could waive, in certain limited cases, all or part of such payment if a state is unable to reach the allowable error rate despite a good faith effort by the state. This provision shall not apply to a State for a fiscal year, if there is an agreement with the Commissioner to provide for the electronic submission and verification of name and SSN before an individual is enrolled in Medicaid, as of the close of the fiscal year.

States would receive 90% reimbursement for costs attributable to the design, development, or installation of such mechanized verification and information retrieval systems as the Secretary determines are necessary to implement name and SSN validation, and 75% for the operation of such systems.

The provision would also clarify requirements under the existing Section 1903(x). It would add ''a document issued by a federally-recognized Indian tribe evidencing membership or enrollment in, or affiliation with, such tribe'' to the list of documents that provide satisfactory documentary evidence of citizenship or nationality, except for tribes located within states having an international border whose membership includes noncitizens, who would only be allowed to use such documents until the Secretary of HHS issues regulations authorizing the presentation of other evidence. It would require states to provide citizens with the same reasonable opportunity to present evidence that is provided under Section 1137(d)(4)(A) to noncitizens who must present evidence of satisfactory immigration status. Groups that are exempt from the Section 1903(x) citizenship documentation requirement would remain the same as under current law, except for the inclusion of a permanent exemption for children who are deemed eligible for Medicaid coverage by virtue of being born to a mother on Medicaid. The provision would clarify that deemed eligibility applies to children born to noncitizen women on emergency Medicaid, and would require separate identification numbers for children born to these women.

In order to receive reimbursement for an individual who has, or is, declared to be a U.S. citizen or national for purposes of establishing CHIP eligibility, a state would be required to meet the Medicaid state plan requirement for citizenship documentation described above. The 90% and 75% reimbursement for name and SSN validation would be available under SCHIP, and would not count towards a state's CHIP administrative expenditures cap.

Except for technical amendments made by the provision and the application of citizenship documentation to CHIP, which would be effective upon enactment, the provision would be effective as if included in the Deficit Reduction Act of 2005. States would be allowed to provide retroactive eligibility for certain individuals who had been determined ineligible under previous citizenship documentation rules.

SECTION 302. REDUCING ADMINISTRATIVE BARRIERS TO ENROLLMENT

Current Law

During the implementation of SCHIP states instituted a variety of enrollment facilitation and outreach strategies to bring eligible children into Medicaid and SCHIP. As a result, substantial progress was made at the state level to simplify the application and enrollment processes to find, enroll, and maintain eligibility among those eligible for the program.

Explanation of Provision

The provision would require the State plan to describe the procedures used to reduce the administrative barriers to the enrollment of children and pregnant women in Medicaid and CHIP, and to ensure that such procedures are revised as often as the State determines is appropriate to reduce newly identified barriers to enrollment. States would be deemed to comply with the above-listed requirement if (1) the State's application and renewal forms, and information verification processes are the same under Medicaid and CHIP for establishing and renewing eligibility for children and pregnant women, and (2) the state does not require a face-to-face interview during the application process.

Title IV—Elmination of Barriers to Providing Premium Assistance

Subtitle A—Additional State Option for Providing Premium Assistance

SECTION 401. ADDITIONAL STATE OPTION FOR PROVIDING PREMIUM ASSISTANCE

Current Law

Under Medicaid, a provision in the Omnibus Budget Reconciliation Act (OBRA) of 1990 created the health insurance premium payment (HIPP) program. The original HIPP provision required state Medicaid programs to pay a Medicaid beneficiary's share of costs

for group (employer-based) health coverage for any Medicaid enrollee for whom employer-based coverage is available when that coverage is both comprehensive and cost effective for the state. An individual's enrollment in an employer plan is considered cost effective if paying the premiums, deductibles, coinsurance and other cost-sharing obligations of the employer plan is less expensive than the state's expected cost of directly providing Medicaid-covered services. Under the original provision, states were also required to purchase employer-based health insurance for non-Medicaid eligible family members if such family coverage was necessary for Medicaid-eligible individual to receive coverage, and as long as it was still cost-effective. States were also to provide coverage for those Medicaid covered services that are not included in the private plans. In August 1997, as part of the Balanced Budget Act, Congress amended the mandatory nature of the HIPP provision. Today, states can opt to use Medicaid funds to pay for premiums and other cost-sharing for Medicaid beneficiaries when coverage is available, comprehensive, and cost-effective.

Under SCHIP, the Secretary has the authority to approve funding for the purchase of ''family coverage'' if it is cost effective relative to the amount paid to cover only the targeted low-income children and does not substitute for coverage under group health plans that would otherwise be provided to the children. While the term ''family coverage'' is not specifically defined in the statute, it has been interpreted to refer to either coverage for the entire family under an SCHIP program or under an employer-sponsored health insurance plan. In addition, states using SCHIP funds for employer-based plan premiums must ensure that SCHIP minimum benefits are provided and SCHIP cost-sharing ceilings are met.

Because of these requirements, implementation of premium assistance programs under Medicaid and SCHIP are not widespread. States cited difficulty in identifying potential enrollees, determining whether the subsidy would be cost-effective, and obtaining necessary information (e.g., information about the availability of employer-sponsored plans, covered benefits, available contributions, and the remaining costs) as some of the barriers to the implementation of such programs.

In August 2001, the Bush Administration introduced the Health Insurance Flexibility and Accountability (HIFA) Initiative under the Section 1115 waiver authority. Under HIFA, states were to direct unspent SCHIP funds to extend coverage to uninsured populations with annual income less than 200% FPL and to use Medicaid and SCHIP funds to pay premium costs for waiver enrollees who have access to Employer Sponsored Insurance (ESI). This resulted in an increased emphasis on states' use of the Section 1115 waiver authority to offer premium assistance for employer-based health coverage in lieu of full Medicaid and/or SCHIP coverage. ESI programs approved under the Section 1115 waiver authority are not subject to the same current law constraints required under Medicaid's HIPP program or SCHIP's family coverage variance option (i.e., the comprehensiveness and cost-effectiveness tests).

Explanation of Provision

The provision would allow states to offer a premium assistance subsidy for qualified employer sponsored coverage to all targeted low-income children who are eligible for child health assistance and have access to such coverage. Qualified employer sponsored coverage would be defined as a group health plan or health insurance coverage offered through an employer that (1) qualifies as credible health coverage as a group health plan under the Public Health Service Act, (2) for which the employer contributes at least 40 percent toward the cost of the premium, and (3) is non-discriminatory in a manner similar to section 105(h) of the Internal Revenue Code but would not allow employers to exclude workers who had less than 3 years of service. Qualified employer-sponsored insurance would not include (1) benefits provided under a health flexible spending arrangement, (2) a high deductible health plan purchased in conjunction with a health savings account as defined in the Internal Revenue Code of 1986.

The provision would establish a new cost effectiveness test for ESI programs. A group health plan or health insurance coverage offered through an employer would be considered qualified employer sponsored coverage if the state establishes that (1) the cost of such coverage is less than the expenditures that the State would have made to enroll the child or the family (as applicable) in CHIP, or (2) the State establishes that the aggregate amount of State expenditures for the purchase of all such coverage for targeted low-income children under CHIP (including administrative expenses) does not exceed the aggregate amount of expenditures that the State would have made for providing coverage under the CHIP state plan for all such children.

Premium assistance subsidies would be considered child health assistance for the purpose of making federal matching payments under the CHIP program, and the state would be considered a secondary payor for any items or services provided under ESI coverage. The provision defines premium assistance subsidies as an amount equal to the difference between the employee contribution for the employee only, and the employee contribution for the employee and CHIP-eligible child, less applicable premium cost sharing imposed under title XXI (including the employee contribution toward the 5 percent total annual aggregate cost-sharing limit under CHIP). States would be permitted to provide a premium assistance subsidy as reimbursement for out-of-pocket expenses directly to an employee, or directly to the employer. At the employer's option, the provision permits the employer to notify the State that it elects to opt out of being directly paid a premium assistance subsidy on behalf of an employee. In the event of such notification, the employer would be required to withhold the total amount of the employee contribution required for enrollment of the employee (and the child) in the ESI coverage and then the State would then pay the premium subsidy directly to the employee.

States would be required to provide supplemental coverage for each targeted low income child enrolled in the ESI plan consisting of items or services that are not covered, or are only partially covered, and cost-sharing protections consistent with the requirements of CHIP. States would be permitted to directly pay out-of-pocket expenditures for cost-sharing imposed under the qualified ESI coverage and collect all (or any) portion for cost-sharing imposed on the family.

Waiting periods (to prevent crowd-out of private coverage with public coverage) imposed under the CHIP state plan would also apply to premium assistance coverage. Parents would be permitted to disenroll their child(ren) from ESI coverage and enroll them in CHIP coverage effective on the first day of any month for which the child is eligible for such coverage.

States that provide ESI coverage to parents of targeted low-income children, would be permitted to offer a premium assistance subsidy to eligible parents in the same manner as that State offers such subsidy to eligible child(ren). The amount of the premium subsidy would be increased to take into account the cost of enrollment of the parent in the ESI coverage, or at state option, the cost of the enrollment of the child's family (if the states determines that it is cost-effective).

Each state has the option to establish an employer/family premium assistance purchasing pool for employers with less than 250 employees who have at least one CHIP-eligible employee (pregnant woman) or child.

The state, or a state designated entity, will identify and offer access to not less than two privately delivered health products that meet the CHIP benefits benchmark.

States that provide ESI coverage to parents of targeted low-income children, would be permitted to offer a premium assistance subsidy to eligible parents in the same manner as that State offers such subsidy to eligible child(ren). The amount of the premium subsidy would be increased to take into account the cost of enrollment of the parent in the ESI coverage, or at state option, the cost of the enrollment of the child's family (if the states determines that it is cost-effective).

This provision would not limit the state's authority to offer premium assistance under the Medicaid HIPP program, a section 1115 demonstration waiver, or any other authority in effect prior to the enactment of this Act. States would be required to inform parents about the availability of premium assistance subsidies for CHIP eligible children in qualified employer-sponsored insurance, how the family would elect such subsides during the application process and ensure that parents are fully informed of the choices for receiving child health assistance under the CHIP or through the receipt of a premium assistance subsidy.

The provision would also allow States to provide premium assistance subsidies for enrollment of targeted low-income children in coverage under a group health plan or health insurance coverage offered through an employer if it is determined that such coverage is actuarially equivalent to CHIP benchmark benefits coverage, or CHIP benchmark-equivalent coverage. Plans that meet the CHIP benefit coverage requirements would not be required to provide supplemental coverage for benefits and cost-sharing protections as required under CHIP. Such provisions would be applied to Medicaid-eligible children and to the parents of Medicaid-eligible children in the same manner as they are applied to CHIP.

Finally, the provision would require the General Accountability Office to submit a report to the appropriate committees of Congress on cost and coverage issues relating to any State premium assistance programs for which federal matching payments are made under Medicaid, CHIP, or the Section 1115 waiver authority. Such report will be due to Congress no later than January 1, 2009.

SECTION 402. OUTREACH, EDUCATION, AND ENROLLMENT ASSISTANCE

Current Law

SCHIP states plans are required to include a description of the procedures in place to provide outreach to children eligible for SCHIP child health assistance, or other public or private health programs to (1) inform these families of the availability of SCHIP coverage, and (2) to assist them in enrolling such children in SCHIP. In addition, states are required to provide a description of the state's efforts to ensure coordination between SCHIP and other public and private health coverage.

There is a limit on federal spending for SCHIP administrative expenses, which include activities such as data collection and

reporting, as well as outreach and education. For federal matching purposes, a 10% cap applies to state administrative expenses. This cap is tied to the dollar amount that a state draws down from its annual allotment to cover benefits under SCHIP, as opposed to 10% of a state's total annual allotment. In other words, no more than 10% of the federal funds that a state draws down for SCHIP benefit expenditures can be used for administrative expenses.

Explanation of Provision

The provision would require states to include a description of the procedures in place to provide outreach, education, and enrollment assistance for families of children likely to be eligible for premium assistance subsidies under CHIP or a waiver approved under Section 1115. For employers likely to provide qualified employer-sponsored coverage, the state is required to include the specific resources the State intends to apply to educate employers about the availability of premium assistance subsidies under the CHIP state plan. Expenditures for such outreach activities would not be subject to the 10 percent limit on spending for administrative costs associated with the CHIP program.

Subtitle B—Coordinating Premium Assistance With Private Coverage

SECTION 411. SPECIAL ENROLLMENT PERIOD UNDER GROUP HEALTH PLANS IN CASE OF TERMINATION OF MEDICAID OR CHIP COVERAGE OR ELIGIBILITY FOR ASSISTANCE IN PURCHASE OF EMPLOYMENT-BASED COVERAGE

Current Law

Under the Internal Revenue Code, a group health plan is required to provide special enrollment opportunities to qualified individuals. Special enrollment refers to the opportunity given to qualified individuals to enroll in a health plan without having to wait until a late enrollment opportunity or open season. Such individuals must have lost eligibility for other group coverage, or lost employer contributions towards health coverage, or added a dependent due to marriage, birth, adoption, or placement for adoption. In addition, the individual must meet the health plan's substantive eligibility requirements, such as being a full-time worker or satisfying a waiting period. Health plans must give qualified individuals at least 30 days after the qualifying event (e.g., loss of eligibility) to make a request for special enrollment.

The same special enrollment opportunities apply to group health plans and health insurance issuers offering group health insurance under the Employee Retirement Income Security Act.

The Employee Retirement Income Security Act specifies the persons who may bring civil action to enforce the provisions under this statute. Such persons include a plan participant or beneficiary, a fiduciary, the Secretary of Labor, and a State. Current law allows the Secretary to assess a maximum financial penalty.against a plan administrator or employer for certain violations, including failure to meet the existing notice requirement.

Explanation of Provision

The provision would require (under the Internal Revenue Code) a group health plan to permit an eligible but not enrolled employee (or dependent(s) of such an employee) to enroll for coverage under the group health plan if either of the following conditions are met: (1) the employee or dependent(s) is/are covered under Medicaid or CHIP, and coverage of the employee or dependent(s) is terminated as a result of loss of eligibility and the employee requests coverage under the group health plan not later than 60 days after the date of coverage termination, or (2) the employee or dependent(s) becomes eligible for assistance, with respect to coverage under the group health plan under Medicaid or CHIP (including under any waiver or demonstration project), if the employee requests coverage under the group health plan no later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

Each employer that maintains a group health plan in a State that provides premium assistance under Medicaid or CHIP would be required to provide each employee a written notice of the potential opportunities for premium assistance available in the State under Medicaid and CHIP. For compliance purposes, the employer may use any State-specific model notice issued by the Secretary of Labor or the Secretary of Health and Human Services in accordance with the model notice requirements established under this section of the bill.

The plan administer of the group health plan would be required to disclose to the State, upon request, information about the benefits available under the group health plan so as to permit the State to make a determination concerning cost-effectiveness, and in order for the State to provide supplemental benefits if required.

The provision includes conforming amendments. A group health plan and a health insurance issuer offering group health insurance (under the Employee Retirement Income Security Act) would be required to permit an eligible but not enrolled employee (or dependent(s) of such an employee) to enroll for coverage under the group health plan if either of the following conditions are met: (1) the employee or dependent(s) is/are covered under Medicaid or CHIP, and coverage of the employee or dependent(s) is terminated as a result of loss of eligibility and the employee requests coverage under the group health plan not later than 60 days after the date of coverage termination, or (2) the employee or dependent(s) becomes eligible for assistance, with respect to coverage under the group health plan under Medicaid or CHIP (including under any waiver or demonstration project), if the employee requests coverage under the group health plan not later than 60 days after the date the employee or dependent is determined to be eligible for such assistance.

Each employer that maintains a group health plan in a State that provides premium assistance under Medicaid or CHIP would be required to provide each employee a written notice of the potential opportunities for premium assistance available in the State under Medicaid and CHIP. Not later than 1 year after the date of enactment, the Secretary of Labor and the Secretary of Health and Human Services (HHS), in consultation with State Medicaid Directors and State CHIP Directors, would be required to develop model notices to enable employers to comply with notice requirements in a timely manner. Model notices would include information regarding how an employee would contact the State for information regarding premium assistance and how to apply for such assistance.

The plan administer of the group health plan would be required to disclose to the State, upon request, information about the benefits available under the group health plan so as to permit the State to make a determination concerning cost-effectiveness, and in order for the State to provide supplemental benefits if required.

The HHS Secretary and the Labor Secretary would be required to jointly establish a Medicaid, CHIP, and Employer-Sponsored Coverage Coordination Working Group not later than 60 days after the date of enactment. The purpose of the Working Group would be to develop the model coverage coordination disclosure form, and to identify the impediments to effective coordination of coverage available to families. The purpose of the disclosure form would be to allow the State to determine the availability and cost-effectiveness of coverage, and allow for coordination of coverage for enrollees of such plans. The forms will include (1) information that will allow for the determination of an employee's eligibility for coverage under the group health plan, (2) the name and contact information of the plan administrator of the group health plan, (3) benefits offered under the plan, (4) premiums and cost-sharing under the plan, and (5) any other information relevant to coverage under the plan.

The Working Group would consist of no more than 30 members and be composed of representatives from the Department of Labor, the Department of Health and Human Services, State directors of Medicaid and CHIP programs, employers (including owners of small businesses and their trade or industry representatives and certified human resource and payroll professionals), plan administrations and plan sponsors of group health plans, and children and other beneficiaries of Medicaid and CHIP. Members would be required to serve without compensation. The Department of Health and Human Services and the Department of Labor would be required to jointly provide appropriate administrative support to the Working Group, including technical assistance. The Working Group would be required to submit the model coverage coordination disclosure form, along with a report containing recommendations for appropriate measures to address impediments to effective coordination of coverage between Medicaid, CHIP and group health plans, to the Labor Secretary and the HHS Secretary no later than 18 months after the date of enactment. The Secretaries shall jointly submit a report regarding the Working Group report recommendations to each chamber of the Congress no later than 2 months after receipt of the report from the Working Group. The Working Group shall terminate 30 days after the issuance of its report.

The Labor Secretary and the HHS Secretary would be required to develop the initial model notices, and the Labor Secretary would provide such notices to employers no later than 1 year after the date of enactment. Each employer would be required to provide initial annual notices to its employees beginning the first year after the date on which the model notices are first issued. The model coverage coordination disclosure form would also apply to requests made by States beginning the first year after the date on which the model notices are first issued.

The provision would amend current law by allowing the Labor Secretary to assess a civil penalty (up to $100 a day) against an employer for failure to meet the new notice requirement established under this section of the bill. Each violation with respect to any employee would be treated as a separate violation. The Labor Secretary would also be allowed to assess a civil penalty (up to $100 a day) against a plan administrator for failure to comply with the new disclosure requirement established under this section of the bill. Each violation with respect to any participant or beneficiary would be treated as a separate violation.

Title V—Strengthening Quality of Care and Health Outcomes of Children

SECTION 501. CHILD HEALTH QUALITY IMPROVEMENT ACTIVITIES FOR CHILDREN ENROLLED IN MEDICAID OR CHIP

Current Law

The Centers for Medicare and Medicaid Services (CMS) and the Agency for

Healthcare Research and Quality (AHRQ) are both actively involved in funding and implementing an array of quality improvement initiatives, though only AHRQ has engaged in activities specific to children.

In November 2002, CMS started the Quality Initiative (QI), a multi-faceted effort to improve health care quality. This program includes the Nursing Home Quality Initiative, the Home Health Quality Initiative, the National Voluntary Hospital Quality Reporting Initiative, and the Physician Focused Quality Initiative. The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA) included provisions for hospitals to report data on quality indicators. In addition, the MMA included a variety of provisions designed to promote quality care, such as demonstrations that focus on improving the treatment of chronic illnesses and on identifying effective approaches for rewarding superlative performance. In 2005, quality reporting was expanded for inpatient hospital services and extended to home health. The development of plans for value-based purchasing in hospitals and home health settings was also required. In 2006, quality reporting was extended to hospital outpatient services and ambulatory service centers. Additionally, the 2007 Physician Quality Reporting Initiative (PQRI) implemented a voluntary quality reporting system for physicians and other eligible professionals with incentive payments for covered professional services tied to the reporting of claims data.

None of the CMS QI programs to date have focused on children. Rather, most have focused on the general population, adults with chronic conditions, or the frail elderly.

AHRQ has made quality improvement for children a priority in recent years. In part, this is because of the high costs incurred by children on Medicaid/SCHIP.

Many AHRQ projects to implement and evaluate improved health care strategies for the care of children are underway. These include:

1. Pediatric Quality Indicators that includes a set of measures that can be used with hospital inpatient discharge data to detect patient safety events and potentially avoidable hospitalizations.

2. The Consumer Assessment of Healthcare Providers and Systems (CAHPS) program is a public-private initiative to develop standardized surveys of patients' experiences with ambulatory and facility-level care. Medicaid uses CAHPS to measure quality of care for children with special health care needs.

3. AHRQ's Child Health Care Quality Toolbox lists tips and tools for evaluating health care quality for children. It is available to providers and consumers at www.ahrq.gov/chtoolbx/index.htm.

Other AHRQ-supported initiatives to improve the quality and safety of health care for children and adolescents, focusing on health care IT, and the development of pediatric electronic medical records, among other quality improvement activities.

Explanation of Provision

(a) Development of Child Health Quality Measures For Children Enrolled in Medicaid or CHIP.

The provision would add a new section to the Social Security Act defining child health quality improvement activities for children enrolled in Medicaid and CHIP. Not later than January 1, 2009, the Secretary would be required to identify and publish for general comment an initial recommended core set of child health quality measures for use by states with respect to Medicaid and CHIP, health insurance issuers and managed care entities that enter into contracts under Medicaid and CHIP, and providers under those two programs.

With consultation with specific groups (identified below), the Secretary must identify existing quality of care measures for children that are in use under public and privately sponsored health care coverage arrangements, or that are part of reporting systems that measure both the presence and duration of health insurance coverage over time. Based on such measures, the Secretary published an initial core set of child health quality measures that includes, but is not limited to, the following: (1) duration of insurance coverage over a 12-month period, (2) availability of a full range of preventive services, treatments, and services for acute conditions, including services to promote healthy birth and prevent and treat premature birth, and treatments to correct or ameliorate the effects of chronic physical and mental conditions, (3) availability of care in a range of ambulatory and inpatient settings, and (4) measures that, taken together, can be used to estimate the overall national quality of health care for children and to perform comparative analyses of pediatric health care quality and racial, ethnic, and socioeconomic disparities in child health and health care for children.

Not later than 2 years after the enactment of the Children's Health Insurance Program Reauthorization Act of 2007, the Secretary, in consultation with the states, must develop a standardized format for reporting information and procedures and approaches that encourage states to use the initial core measurement set to voluntarily report information regarding quality of pediatric care under Medicaid and CHIP.

In addition, the Secretary must disseminate information to states regarding best practices with respect to measuring and reporting quality of care for children, and must facilitate adoption of such best practices. In developing these best practices approaches, the Secretary must give particular attention to state measurement techniques that ensure timeliness and accuracy of provider reporting, encourage provider reporting compliance and encourage successful quality improvement strategies, and improve efficiency in data collection using health information technology.

Not later than January 1, 2010, and every 3 years thereafter, the Secretary must report to Congress on (1) the status of the Secretary's efforts to improve quality related to the duration and stability of health insurance coverage for children under Medicaid and CHIP, (2) the quality of children's health care under those programs, including preventive health services, health care for acute conditions, chronic health care, and health services to ameliorate the effects of physical and mental conditions, as well as to aid in growth and development of children, and (3) quality of children's health care, including clinical quality, health care safety, family experience with health care, health care in the most integrated setting, and elimination of racial, ethnic, and socioeconomic disparities in health and health care. In these reports to Congress, the Secretary must also describe the status of voluntary reporting by states under Medicaid and CHIP utilizing the initial core set of quality measures, and provide any recommendations for legislative changes needed to improve quality of care provided to Medicaid and CHIP children, including recommendations for quality reporting by states. The Secretary must also provide technical assistance to states to assist them in adopting and utilizing core child health quality measures for their Medicaid and CHIP programs.

The provision defines ''core set'' to mean a group of valid, reliable and evidence-based quality measures for children that provide information regarding the quality of health coverage and health care for children, address the needs of children throughout the developmental age span, and that allow purchasers, families, and health care providers to understand the quality of care in relation to the preventive needs of children, treatments aimed at managing and resolving acute conditions, and diagnostic and treatment services to correct or ameliorate physical, mental or developmental conditions that could become chronic if left untreated or poorly treated.

(b) Advancing and Improving Pediatric Quality Measures.

The provision would also require the Secretary to establish a pediatric quality measures program not later than January 1, 2010. The purpose of this program would be to (1) improve and strengthen the initial core child health care quality measures, (2) expand on existing pediatric quality measures used by both public and private purchasers and advance the development of new and emerging measures, and (3) increase the portfolio of evidence-based, consensus pediatric quality measures available to public and private purchases of children's health care services, providers and consumers.

At a minimum, the pediatric quality measures developed under this program must be (1) evidence-based and where appropriate, risk-adjusted, (2) designed to identify and eliminate racial and ethnic disparities in child health and the provision of health care, (3) designed to ensure that the data required for such measures is collected and reported in a standard format that permits comparisons at the state, plan and provider level, (4) periodically adjusted, and (5) responsive to child health needs, services and stability of coverage.

In identifying gaps in existing pediatric quality measures and establishing priorities for the development and use of such measures, the Secretary must consult with a variety of entities, including (1) states, (2) institutional and non-institutional providers that specialize in the care and treatment of children, particularly those with special needs, (3) dental professionals, including pediatric dental professionals, (4) primary care providers for children and families living in medically under-served areas, or who are members of population subgroups at heightened risk for poor health outcomes, (5) national organizations representing consumers and purchasers of children's health care, (6) national organizations and individuals with expertise in pediatric health quality measurement, and (7) voluntary consensus standard setting organizations and other organizations involved in the advancement of evidence-based measures of health care.

In addition, the Secretary must award grants and contracts for the development, testing, and validation of new, emerging, and innovative evidence-based measures for children's health care services across the domains of quality identified above, and must also award grants and contracts for the (1) development of consensus on evidence-based measures for children's health care services, (2) dissemination of such measures to public and private purchasers of health care for children, and (3) updating of such measures as necessary.

Beginning no later than January 1, 2012 and annually thereafter, the Secretary must publish recommended changes to the core measures described above that must reflect the testing, validation, and consensus process for the development of pediatric quality measures also described above.

The term ''pediatric quality measure'' means a measurement of clinical care that is capable of being examined through the collection and analysis of relevant information, that is developed in order to assess one or

more aspects of pediatric health care quality in various institutional and ambulatory health care settings, including the structure of the clinical care system, the process of care, the outcome of care, or patient experiences in care.

(c) Annual State Reports Regarding State-Specific Quality of Care Measures Applied Under Medicaid or CHIP.

Each state with an approved state plan for Medicaid or CHIP must report annually to the Secretary the following: (1) state-specific child health quality measures, including measures of duration and stability of insurance coverage; quality with respect to preventive services and care for acute and chronic conditions as well as services to ameliorate the effects of physical and mental conditions, and to aid in growth and development; clinical quality, health care safety, family experience with health care, care delivered in the most integrated setting, and elimination of racial, ethnic and socioeconomic disparities in health care; and other measures in the initial core quality measurement set identified above, and (2) state-specific information on the quality of care provided to children under Medicaid and CHIP, including information collected through external quality reviews of Medicaid managed care organizations (under Section 1932) and Medicaid benchmark plans (under Section 1937), and CHIP benchmark plans (under Section 2103). Not later than September 30, 2009, and annually thereafter, the Secretary must collect, analyze and make publicly available the information reported by states as described above.

(d) Demonstration Projects for Improving the Quality of Children's Health Care and the Use of Health Information Technology.

During FY2008 through FY2012, the Secretary must award not more than 10 grants to states and child health providers to conduct demonstration projects to evaluate promising ideas for improving the quality of children's health care furnished under Medicaid and CHIP. Such projects would include efforts designed to: (1) experiment with and evaluate new measures of the quality of children's health care (including testing the validity and suitability for reporting of such measures), (2) promote the use of health information technology in care delivery for children, (3) evaluate provider-based models that improve the delivery of services to children, including care management for children with chronic conditions and the use of evidence-based approaches to improve the effectiveness, safety and efficiency of health care for children, or (4) demonstrate the impact of the model electronic health record format for children on improving pediatric health, including the effects of chronic childhood health conditions, and pediatric health care quality as well as reducing health care costs.

In awarding these grants, the Secretary must ensure that (1) only one demonstration project funded by such a grant shall be conducted in a state, and (2) such demonstration projects must be conducted evenly between states with large urban areas and states with large rural areas. Grants may be conducted on a multi-state basis, as needed.

Of the total amount appropriated for this new grant program for a fiscal year (described below), $20 million must be used to carry out these activities.

(e) Demonstration Projects for Reducing Childhood Obesity

Current Law

Greater awareness of the obesity crisis and its long-term social and economic implications has encouraged policy makers to fund an array of programs aimed at promoting physical activity and appropriate nutrition. While many of these have been state-based efforts, the federal government has actively funded obesity research as well as health promotion campaigns and public health surveillance systems.

Title III of the Public Health Service Act (42 USC) obliges the Secretary of Health and Human Services to ''conduct . . . encourage, cooperate with, and render assistance to other appropriate public authorities, scientific institutions, and scientists in the conduct of, and promote the coordination of, research, investigations, experiments, and demonstrations, and studies relating to the causes, diagnosis, treatment, control, and prevention of physical and mental diseases and impairments''. In carrying out these responsibilities, the Secretary is authorized to make grants-in-aid to universities, hospitals, laboratories, other public or private institutions, and to individuals for research projects.

The National Academy of Sciences (NAS) recently noted that the fundamental problem plaguing national programs seeking to address the obesity crisis is that these efforts ''remain fragmented and small-scale''. Moreover, obesity prevention programs remain largely uncoordinated. Although many federal agencies are involved in overseeing different types of obesity-related programs, including the Centers for Disease Control and Prevention (CDC), the Department of Agriculture, the National Institutes of Health, and Department of Health and Human Services, NAS concluded that the lack of a dedicated funding stream for obesity prevention and inadequate coordination between federal agencies has led to inefficient uses of resources or unnecessary redundancies in programmatic efforts.

Another problem is that many federal funding streams available to support healthy lifestyles among children have been very narrowly focused on small target populations or they have only addressed obesity indirectly. Examples of the former include efforts which have exclusively targeted low-income families (usually, Medicaid recipients); by contrast, health education courses aimed at American Indians with Type 2 diabetes exemplify the types of federally-funded efforts which have indirectly served as obesity prevention programs but which have reached very limited numbers of individuals in the aggregate.

Explanation of Provision

The Secretary, in consultation with the Administrator of the Centers for Medicare a Medicaid Services, shall conduct a demonstration project to develop a comprehensive and systematic model for reducing childhood obesity by awarding grants to eligible entities to carry out such a project. The model will (1) identify behavioral risk factors for obesity among children; (2) identify needed clinical preventive and screening benefits among those children identified as target individuals on the basis of such risk factors; (3) provide ongoing support to such target individuals and their families to reduce risk factors and promote the appropriate use of preventive and screening benefits; and (4) be designed to improve health outcomes, satisfaction, quality of life, and appropriate use of items and services for which medical assistance is available under CHIP and Medicaid.

Eligible entities include a city, county, or Indian tribe; a local or tribal educational agency; an accredited university, college, or community college; a federally-qualified health center; a local health department; a health care provider; a community-based organization; or any other entity determined appropriate by the Secretary, including a consortium or partnership.

An eligible entity awarded a grant under this provision shall use the funds to (1) carry out community-based activities related to reducing childhood obesity, (2) carry out age-appropriate school-based activities that are designed to reduce childhood obesity, (3) carry out educational, counseling, promotional, and training activities through the local health care delivery systems, and (4) provide, through qualified health professionals, training and supervision for community health workers to engage in educational efforts related to obesity.

Not later than 3 years after the Secretary implements the demonstration project under this subsection, the Secretary shall submit to Congress a report that describes the project, evaluates the effectiveness and cost effectiveness of the project, evaluates beneficiary satisfaction under the project, and includes any other information the Secretary deems appropriate. $25 million is authorized for this purpose.

(f) Development of Model Electronic Health Record Format for Children Enrolled in Medicaid or CHIP.

Not later than January 1, 2009, the Secretary must establish a program to encourage the development and dissemination of a model electronic health record format for children enrolled under state plans for Medicaid or CHIP. Such an electronic health record would be (1) subject to state laws, accessible to parents, caregivers and other consumers for the sole purpose of demonstrating compliance with school or leisure activity requirements, (2) designed to allow interoperable exchanges that conform with federal and state privacy and security requirements, (3) structured in a manner that permits parents and caregivers to view and understand the extent to which the care their children receive is clinically appropriate and of high quality, and (4) capable of being incorporated into, and otherwise compatible with, other standards developed for electronic health records. Of the total amount appropriated for this new grant program for a fiscal year, $5 million must be used to carry out these activities.

(g) Study of Pediatric Health and Health Care Quality Measures.

Not later than July 1, 2009, the Institute of Medicine must study and report to Congress on the extent and quality of efforts to measure child health status and the quality of health care for children across the age span and in relation to preventive care, treatments for acute conditions, and treatments to ameliorate or correct physical, mental, and developmental conditions in children. In conducting this study, the IOM must: (1) consider all the major national population-based reporting systems sponsored by the federal government, including reporting requirements under federal grant programs and national population surveys and estimates conducted directly by the federal government, (2) identify the information regarding child health and health care quality that each system is designed to capture and generate, the study and reporting periods covered by each system, and the extent to which the information is made widely available through publication, (3) identify gaps in knowledge related to children's health status, health disparities among subgroups of children, the effects of social conditions on children's health status and use and effectiveness of health care, and the relationship between child health status and family income, family stability and preservation, and children's school readiness and educational achievement and attainment, and (4) make recommendations regarding improving and strengthening the timeliness, quality, and public transparency and accessibility of information about child health and health care

quality. Of the total amount appropriated for this new grant program, up to $1 million must be used to carry out these activities.

(h) Rule of Construction.

No evidence-based quality measure developed, published, or used as a basis of measurement or reporting under this section may be used to establish an irrebuttable presumption regarding either the medical necessity of care or the maximum permissible coverage for any individual child who is eligible for and receiving assistance under Medicaid or CHIP.

(i) Appropriations.

An appropriation of $45 million for FY2008 through FY2012 would be made for the purpose of carrying out the provisions of this section. Such funds would remain available until expended.

The provision would also use the federal medical assistance percentage (FMAP) applicable to a given state to determine the federal share of costs incurred by states for the development or modification of existing claims processing and retrieval systems as is necessary for the efficient collection and reporting on child health measures.

SECTION 502. IMPROVED INFORMATION REGARDING ACCESS TO OVERAGE UNDER CHIP

Current Law

Under SCHIP, states must assess the operation of the SCHIP state plan in each fiscal Year, including the progress made in reducing the number of uncovered low-income children. They must also report to the Secretary of HHS, by January 1 following the end of the fiscal year, the results of that assessment.

Federal regulations stipulate that each annual report include the following additional information: (1) progress in meeting strategic objectives and performance goals identified in the state SCHIP plan, (2) effectiveness of policies to discourage the institution of public coverage for private coverage, (3) identification of successes and barriers in state plan design and implementation, and the approaches the state is considering to overcome these barriers, (4) progress in addressing any specific issues (such as outreach) that the state plan proposed to periodically monitor and assess, (5) an updated 3–year budget, including any changes in the sources of non-federal share of state pan expenditures, (6) identification of total state expenditures for family coverage and total number of children and adults, respectively, provided family coverage during the preceding fiscal year, and (7) current income standards and methodologies for its SCHIP Medicaid expansion program, separate SCHIP program, and its regular Medicaid program, as appropriate.

Explanation of Provision

(a) Inclusion of Process and Access Measures in Annual State Reports.

The provision would require each state to include the following information in its annual CHIP report to the Secretary of HHS: (1) eligibility criteria, enrollment, and retention data (including information on continuity of coverage or duration of benefits), (2) data regarding the extent to which the state uses process measures with respect to determining the eligibility of children, including measures such as 12–months of continuous eligibility, self-declaration of income for applications or renewals, or presumptive eligibility, (3) data regarding denials of eligibility and redeterminations of eligibility, (4) data regarding access to primary and specialty services, access to networks of care, and care coordination provided under the state CHIP plan, using quality of care and consumer satisfaction measures included in the Consumer Assessment of Healthcare Providers and Systems (CAHPS) survey, (5) if the state provides child health assistance in the form of premium assistance for the purchase of coverage under a group health plan, data regarding the provision of such assistance, including the extent to which employer-sponsored health insurance coverage is available for children eligible for CHIP, the range of the monthly amount of such assistance provided on behalf or a child or family, the number of children or families provided such assistance on a monthly basis, the income of the children or families provided such assistance, the benefits and cost-sharing protection provided under the state CHIP plan to supplement the coverage purchased with such premium assistance, the effective strategies the state engages in to reduce any administrative barriers to the provision of such assistance, and, the effects, if any, of the provision of such assistance on preventing the coverage under CHIP from substituting for coverage provided under employer-sponsored health insurance offered in the state, and (6) to the extent applicable, a description of any state activities that are designed to reduce the number of uncovered children in the state, including through a state health insurance connector program or support for innovative private health coverage initiatives.

(b) GAG Study and Report on Access to Primary and Specialty Services.

The provision would require GAO to conduct a study of children's access to primary and specialty services under Medicaid and CHIP, including (1) the extent to which providers are willing to treat children eligible for such programs, (2) information on such children's access to networks of care, (3) geographic availability of primary and specialty services under such programs, (4) the extent to which care coordination is provided for children's care under Medicaid and CHIP, and (5) as appropriate, information on the degree of availability of services for children under such programs.

In addition, not later than 2 years after the date of enactment of this Act, GAO must submit a report to the appropriate committees of Congress on this study that includes recommendations for such federal and state legislative and administrative changes as GAO determines are necessary to address any barriers to access to children's care under Medicaid and CHIP that may exist.

SECTION 503. APPLICATION OF CERTAIN MANAGED CARE QUALITY SAFEGUARDS TO CHIP

Current Law

A number of sections of the Social Security Act apply to states under title XXI (SCHIP) in the same manner as they apply to a state under title XIX (Medicaid). These include:

Section 1902(a)(4)(C) (relating to conflict of interest standards).

Paragraphs (2), (16), and (17) of section 1903(i) (relating to limitations on payment).

Section 1903(w) (relating to limitations on provider taxes and donations).

Section 1920A (relating to presumptive eligibility for children).

Explanation of Provision

The provision would add the same requirements for CHIP managed care entities as currently exist under Medicaid. Specifically, the provision would add reference to Medicaid's statutory requirements on: the process for plan enrollment, termination, and change of enrollment; the type of information provided to enrollees and potential enrollees on providers, covered services, enrollee rights, and other forms of information; beneficiary protections; quality assurance standards; protections against fraud and abuse; and sanctions against managed care plans for noncompliance.

Title VI—Miscellaneous

SECTION 601. TECHNICAL CORRECTION REGARDING CURRENT STATE AUTHORITY UNDER MEDICAID

Current Law

States may provide SCHIP through an expansion of their Medicaid programs. Expenditures for such populations of targeted low-income children are matched at the enhanced FMAP rate and are paid out of SCHIP allotments.

Explanation of Provision

With respect to expenditures for Medicaid for fiscal years 2007 and 2008 only, a state may elect (1) to cover optional poverty-related children and, may apply less restrictive income methodologies to such individuals (via authority in Section 1902(r) or through Section 1931 (b)(2)(C)), for which the regular Medicaid FMAP, rather than the enhanced FMAP applicable to CHIP, would be used to determine the federal share of such expenditures, or (2) to receive the regular Medicaid FMAP, rather than the enhanced CHIP FMAP, for CHIP children under an expansion of the state's Medicaid program. This provision would be repealed as of October 1, 2008 (i.e., the beginning of fiscal year 2009). States electing these options would be ''held harmless'' for related expenditures in FY2007 and FY2008, once this repeal takes effect.

SECTION 602. PAYMENT ERROR RATE MEASUREMENT (''PERM'')

Current Law

P.L. 107–300 requires the heads of Federal agencies annually to review programs they oversee that are susceptible to significant erroneous payments, and to estimate the amount of improper payments, to report those estimates to Congress, and to submit a report on actions the agency is taking to reduce erroneous expenditures.

The Center for Medicare and Medicaid Services (CMS), the federal agency within HHS that administers the Medicaid and SCHIP programs, issued an interim final rule with comment period on August 28, 2006, regarding Payment Error Rate Measurement (PERM) for the Medicaid and SCHIP programs. This rule was effective on October 1, 2006. In addition to P.L. 107–300, this regulation points to Sections 1102, 1902(a)(6) and 2107(b)(1) of the Social Security Act which contains the Secretary's general rulemaking authority and obligation of the states to provide information, as the Secretary may require, to monitor program performance. Section 1902(a)(27)(B) also requires states to require providers to furnish State Medicaid Agencies and the Secretary with information regarding payments claimed by Medicaid providers for furnishing Medicaid services. Payment error rates will be calculated for fee-for-service (FFS) claims, managed care claims and for eligibility determinations. The preamble to this regulation notes that CMS will hire Federal contractors to review Medicaid and SCHIP FFS and managed care claims and to calculate the state-specific and national error rates for both programs. States will calculate the state-specific eligibility error rates. Based on those rates, the Federal contractor will calculate the national eligibility error rate for each program. CMS plans to sample a subset of states each year rather than measure every state every year.

With respect to Medicaid and SCHIP eligibility reviews under PERM, states selected for review in a given year must conduct reviews of a statistically valid random sample of beneficiary claims to determine if improper payments were made based on errors in the state agency's eligibility determinations. States must have a CMS-approved sampling plan. In addition to reporting error

rates, states must also submit a corrective action plan based on its error rate analysis, and must return overpayments of federal funds.

Medicaid Eligibility Quality Control (MEQC) is operated by State Medicaid agencies to monitor and improve the administration of its Medicaid program. The traditional MEQC program is based on State reviews of Medicaid beneficiaries identified through a statistically reliable statewide sample of cases selected from the eligibility files. These reviews are conducted to determine whether the sampled cases meet applicable Title XIX eligibility requirements and to determine if a State has made erroneous excess payments in its program. ''Erroneous excess payments for medical assistance'' reflect: a) payments made on behalf of ineligible individuals and families, and b) overpayments on behalf of eligible individuals and families by reason of error in determining the amount of expenditures for medical care required of an individual or family as a condition of eligibility.

The SCHIP statute specifies that federal SCHIP funds can be used for SCHIP health insurance coverage, called child health assistance that meets certain requirements. States may also provide benefits to SCHIP children, called targeted low-income children, through enrollment in Medicaid. Apart from these benefit payments, SCHIP payments for four other specific health care activities can be made, including: (1) other child health assistance for targeted low-income children; (2) health services initiatives to improve the health of targeted low-income children and other low-income children; (3) outreach activities; and (4) other reasonable administrative costs. For a given fiscal year, SCHIP statute specifies that payments for these four other specific health care activities cannot exceed 10% of the total amount of expenditures for benefits (excluding payments for services rendered during periods of presumptive eligibility under Medicaid) and other specific health care activities combined.

Explanation of Provision

The provision would apply a federal matching rate of 90 percent to expenditures related to administration of PERM requirements applicable to CHIP.

The provision would also exclude from the 10% cap on CHIP administrative costs all expenditures related to the administration of PERM requirements applicable to CHIP in accordance with P.L. 107–300, existing regulations, and any related or successor guidance or regulations.

In addition, the Secretary must not calculate or publish any national or state-specific error rate based on the application of PERM requirements to CHIP until after the date that is 6 months after the date on which a final rule implementing such requirements (described below) is in effect for all states. Any calculation of a national error rate or a state specific error rate after such a final rule is in effect for all states may only be inclusive of errors, as defined in such final rule or in guidance issued within a reasonable time frame after the effective date for such final rule that includes detailed guidance for the specific methodology for error determinations.

The final rule implementing the PERM requirements must include: (1) clearly defined criteria for errors for both states and providers, (2) a clearly defined process for appealing error determinations by review contractors, and (3) clearly defined responsibilities and deadlines for states in implementing any corrective action plans.

After the final PERM rule is in effect for all states, a state for which the PERM requirements were first in effect under an interim final rule for FY2007 may elect to accept any payment error rate determined in whole or in part for the state on the basis of data for that fiscal year or may elect to not have an payment error rate determined on the basis of such data and, instead, must be treated as if FY2010 were the first year for which the PERM requirements apply to the state.

If the final PERM rule is not in effect for all states by July 1, 2008, a state for which the PERM requirements were first in effect under an interim final rule for FY2008 may elect to accept any payment error rate determined in whole or in part for the state on the basis of data for that fiscal year, or may elect to not have any payment error rate determined on the basis of such data and, instead, must be treated as if FY2011 were the first fiscal year for which the PERM requirements apply to the state.

In addition, the provision would require the Secretary to review the Medicaid Eligibility Quality Control (MEQC) requirements with the PERM requirements and coordinate consistent implementation of both sets of requirements, while reducing redundancies. A state may elect, for purposes of determining the erroneous excess payments for medical assistance ratio applicable to the state under MEQC, to substitute data resulting from the application of PERM requirements after the final PERM rule is in effect for all states for the data used for the MEQC requirements.

The Secretary must also establish state-specific sample sizes for application of the PERM requirements with respect to CHIP for FY2009 and thereafter, on the basis of information as the Secretary determines is appropriate. In establishing such sample sizes, the Secretary must, to the greatest extent possible (1) minimize the administrative cost burden on states under Medicaid and CHIP, and (2) maintain state flexibility to manage these programs.

SECTION 603. ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT

Current Law

Under Medicaid presumptive eligibility rules, states are allowed to temporarily enroll (for up to 2 months) children whose family income appears to be below applicable Medicaid income standards, until a formal determination of eligibility is made. Payments on behalf of Medicaid children during periods of presumptive eligibility are matched at the regular Medicaid FMAP, but are paid out of state SCHIP allotments.

Explanation of Provision

The provision would strike the language in existing CHIP statute that sets the federal share of costs incurred during periods of presumptive eligibility for children at the Medicaid FMAP rate, and also strikes the language that allows payment out of CHIP allotments for Medicaid benefits received by Medicaid children during periods of presumptive eligibility.

SECTION 604. IMPROVING DATA COLLECTION

Current Law

As discussed in Section 102, the percentage of the SCHIP appropriation that is allotted to individual states is based primarily on state-level estimates of (1) the number of low-income children and (2) the number of uninsured low-income children, based on a three-year average of the Annual Social and Economic (ASEC) Supplements (formerly known as the March supplements) to the Census Bureau's Current Population Survey (CPS). Based on these CPS estimates, some states' share of the available national allotment in the second year of SCHIP (FY1999) was going to differ markedly from the prior year's (e.g., a share of the available national allotment in FY1999 that would have been approximately 40% lower or higher than in FY1998). As a result, legislation was enacted to base the FY1999 SCHIP allotments on the states' share of the available national allotment as calculated for FY1998.

Separate legislation was also enacted to add two new floors and a ceiling to ensure that a state's share of the available national allotment did not change by more than certain amounts, as compared to the state's prior-year share and the state's FY1998/FY1999 share.

Another piece of legislation was also enacted that required appropriate adjustments to the CPS (1) to produce statistically reliable annual state data on the number of low-income children who do not have health insurance coverage, so that real changes in the uninsurance rates of children can reasonably be detected; (2) to produce data that categorizes such children by family income, age, and race or ethnicity; and (3) where appropriate, to expand the sample size used in the state sampling units, to expand the number of sampling units in a state, and to include an appropriate verification element. For this purpose, $10 million was appropriated annually, beginning in FY2000. Because of this legislation, the number of sampled households in the ASEC CPS increased by about 50% (34,500 households). Even with the sample expansion, the margins of error of the state-level estimates of the number of low-income children, and particularly the estimates of low-income children without health insurance, can be relatively high, especially in smaller states.

Explanation of Provision

Besides the $10 million provided annually for the CPS since FY2000, an additional $10 million (for a total of $20 million additionally) is appropriated. In addition to the current-law requirements of the additional appropriation, for data collection beginning in FY2008, in appropriate consultation with the HHS Secretary, the Secretary of Commerce shall do the following:

Make appropriate adjustments to the CPS to develop more accurate state-specific estimates of the number of children enrolled in CHIP or Medicaid;

Make appropriate adjustments to the CPS to improve the survey estimates used to compile the state-specific and national number of low-income children without health insurance for purposes of determining annual CHIP allotments, and for making payments to states from the CHIP Incentive Pool, the CHIP Contingency Fund, and, to the extent applicable to a State, from the block grant set aside for CHIP payments on behalf of parents in FY2010 through FY2012;

Include health insurance survey information in the American Community Survey (ACS) related to children;

Assess whether ACS estimates, once such survey data are first available, produce more reliable estimates than the CPS for CHIP allotments and payments;

On the basis of that assessment, recommend to the HHS Secretary whether ACS estimates should be used in lieu of, or in some combination with, CPS estimates for CHIP purposes; and

Continue making the adjustments to expansion of the sample size used in State sampling units, the number of sampling units in a State, and using an appropriate verification element.

If the Commerce Secretary recommends to the HHS Secretary that ACS estimates should be used instead of, or in combination with, CPS estimates for CHIP purposes, the HHS Secretary may provide a transition period for using ACS estimates, provided that

the transition is implemented in a way that avoids adverse impacts on states.

SECTION 605. DEFICIT REDUCTION ACT TECHNICAL CORRECTION

State Flexibility in Benefit Packages.

Current Law

Under the Early and Periodic, Screening, Diagnostic and Treatment (EPSDT) benefit under Medicaid, most children under age 21 receive comprehensive basic screening services (i.e., well-child visits including age-appropriate immunizations) as well as dental, vision and hearing services. In addition, EPSDT guarantees access to all federally coverable services necessary to treat a problem or condition among eligible individuals.

Under Medicaid, categorically needy (CN) eligibility groups include families with children, the elderly, certain individuals with disabilities, and certain other pregnant women and children who meet applicable financial eligibility standards. Some CN eligibility groups must be covered while others are optional. Medically needy (MN) groups include the same types of individuals, but different, typically higher financial standards apply. All MN eligibility groups are optional.

The Deficit Reduction Act of 2005 (DRA; P.L. 109–171) gave states the option to provide Medicaid to state-specified groups through enrollment in benchmark and benchmark-equivalent coverage which is nearly identical to plans available under SCHIP (described above). For any child under age 19 in one of the major mandatory and optional CN eligibility groups (defined in Section 1902(a)(10)(A)), wrap-around benefits to the DRA benchmark and benchmark-equivalent coverage includes EPSDT (described above). In traditional Medicaid, EPSDT is available to individuals under age 21 in CN groups, and may be offered to individuals under 21 in MN groups.

DRA identifies a number of groups as exempt from mandatory enrollment in benchmark or benchmark equivalent plans. One such exempted group is children in foster care receiving child welfare services under Part B of title IV of the Social Security Act and children receiving foster care or adoption assistance under Part E of such title.

Explanation of Provision

The provision would require that EPSDT be covered for any individual under age 21 who is eligible for Medicaid through the state plan under one of the major mandatory and optional CN groups and is enrolled in benchmark or benchmark-equivalent plans authorized under DRA. The provision would also give states flexibility in providing coverage of EPSDT services through the issuer of benchmark or benchmark-equivalent coverage or otherwise.

The provision would also make a correction to the reference to children in foster care receiving child welfare services.

Finally, not later than 30 days after the date the Secretary approves a state plan amendment to provide benchmark or benchmark-equivalent coverage under Medicaid, the Secretary must publish in the Federal Register and on the internet website of CMS, a list of the provisions in Title XIX that the Secretary has determined do not apply in order to enable the state to carry out such a state plan amendment and the reason for each such determination.

The amendments made by this provision would become effective as if included in Section 6044(a) of the DRA (i.e., March 31, 2006).

SECTION 606. ELIMINATION OF CONFUSING PROGRAM REFERENCES

Current Law

P.L. 106–113 directed the Secretary of HHS or any other Federal officer or employee, with respect to references to the program under Title XXI of the Social Security Act, in any publication or official communication to use the term ''SCHIP'' instead of ''CHIP'' and to use the term ''State children's health insurance program'' instead of ''children's health insurance program.''

Explanation of Provision

The provision would repeal the section in P.L 106–113 providing the program references to ''SCHIP'' and ''State children's health insurance program'' for official publication and communication purposes.

SECTION 607. MENTAL HEALTH PARITY IN CHIP PLANS

Current Law

In 1996, Congress passed the Mental Health Parity Act (MHPA) that established new federal standards for mental health coverage offered by group health plans, most of which are employment-based. Under provisions included in the 1997 Balanced Budget Act (P.L. 105–33), Medicaid managed care plans and SCHIP programs must comply with the requirements of MHPA.

Medicaid expansions under SCHIP follow Medicaid rules. Thus, when such expansions provide for enrollment in Medicaid managed care plans, the MHPA applies. Separate state programs under SCHIP follow SCHIP rules that have broader application than the Medicaid rules. In separate state SCHIP programs, to the extent that a health insurance issuer offers group health insurance coverage, which can include, but is not limited to managed care, the MHPA applies.

Under MHPA, Medicaid and SCHIP plans may define what constitutes mental health benefits (if any). The MHPA prohibits group plans from imposing annual and lifetime dollar limits on mental health coverage that are more restrictive than those applicable to medical and surgical coverage. Full parity is not required, that is, group plans may still impose more restrictive treatment limits (e.g., with respect to total number of outpatient visits or inpatient days) or cost-sharing requirements on mental health coverage compared to their medical and surgical services.

Under Medicaid managed care, state Medicaid agencies contract with managed care organizations (MCOs) to provide a specified set of benefits to enrolled beneficiaries. These MCOs may be paid under a variety of arrangements, but are frequently reimbursed on the basis of a pre-determined monthly fee (called a capitation rate) for each enrolled beneficiary. The contracted benefits may include all, some, or none of the mandatory and optional mental health services covered under the state Medicaid plan. When Medicaid managed care plans do not include all covered mental health benefits, these additional services are sometimes ''carved out'' to a separate, specialized behavioral health managed care entity (usually subject to its own prepaid capitation rates), or may be provided in the fee-for-service setting, in which Medicaid providers are paid directly by the state Medicaid agency for each covered service delivered to a Medicaid beneficiary. All prepaid Medicaid managed care contracts that cover medical/surgical benefits and mental health benefits must comply with the MHPA without exemptions. The MHPA does not apply to fee-for-service arrangements because state Medicaid agencies do not meet the definition of a group health plan.

With respect to covered benefits, separate SCHIP programs tend to look more like private insurance models than like Medicaid. That is, these programs are more likely to cover traditional benefits (e.g., inpatient hospital services, physician services) that would be found in employer-based health insurance plans than certain service categories that are largely unique to Medicaid (e.g., EPSDT, residential treatment facilities, intermediate care facilities for the mentally retarded or ICF/MRs, and institutions for mental disease or IMDs). Most separate SCHIP programs also provide services through managed care plans, although this situation varies by state. Again, all or some covered mental health services may be included in MCO contracts, or carved out to specialized behavioral health managed care plans, or may be provided on a fee-for-service basis.

Under CHIP, states may provide coverage under their Medicaid programs (MXP), create a new separate SCHIP program (SSP), or both. Under SSPs, states may elect any of three benefit options: (1) a benchmark plan, (2) a benchmark-equivalent plan, or (3) any other plan that the Secretary of HHS deems would provide appropriate coverage for the target population (called Secretary-approved benefit plans). Benchmark plans include (1) the standard Blue Cross/Blue Shield preferred provider option under FEHBP, (2) the coverage generally available to state employees, and (3) the coverage offered by the largest commercial HMO in the state.

Benchmark-equivalent plans must cover basic benefits (i.e., inpatient and outpatient hospital services, physician services, lab/x-ray, and well-child care including immunizations), and must include at least 75% of the actuarial value of coverage under the selected benchmark plan for specific additional benefits (i.e., prescription drugs, mental health services, vision care and hearing services).

Explanation of Provision

This section prohibits discriminatory limits on mental health care in separate CHIP plans by directing that any financial requirements or treatment limitations that apply to mental health or substance abuse services must be no more restrictive than the financial requirements or treatment limits that apply to other medical services. It also eliminates a current law provision that authorizes states to reduce the mental health coverage provided to 75 percent of the coverage provided in CHIP benchmark plans.

SECTION 608. DENTAL HEALTH GRANTS

Current Law

Under SCHIP, states may provide coverage under their Medicaid programs (MXP), create a new separate SCHIP program (SSP), or both. Under SSPs, states may elect any of three benefit options: (1) a benchmark plan, (2) a benchmark-equivalent plan, or (3) any other plan that the Secretary of HHS deems would provide appropriate coverage for the target population (called Secretary-approved benefit plans). Benchmark plans include (1) the standard Blue Cross/Blue Shield preferred provider option under FEHBP, (2) the coverage generally available to state employees, and (3) the coverage offered by the largest commercial HMO in the state.

Benchmark-equivalent plans must cover basic benefits (i.e., inpatient and outpatient hospital services, physician services, lab/x-ray, and well-child care including immunizations), and must include at least 75% of the actuarial value of coverage under the selected benchmark plan for specific additional benefits (i.e., prescription drugs, mental health services, vision care and hearing services).

SCHIP regulations specify that, regardless of the type of SCHIP health benefits coverage, states must provide coverage of well-baby and well-child care (as defined by the state), age-appropriate immunizations based on recommendations of the Advisory Committee on Immunization Practices (ACIP), and emergency services.

Explanation of Provision

This section provides up to $200 million in federal grants for states to improve the availability of dental services and strengthen dental coverage for children covered under CHIP. States that receive grants would be required to maintain prior levels of spending for dental services provided under CHIP.

SECTION 609. APPLICATION OF PROSPECTIVE PAYMENT SYSTEM FOR SERVICES PROVIDED BY FEDERALLY-QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS

Current Law

Under current Medicaid law, federally-qualified health centers (FQHCs) and rural health clinics (RHCs) are paid based on a prospective payment system. Beginning in FY2001, per visit payments were based on 100% of average costs during 1999 and 2000 adjusted for changes in the scope of services furnished. (Special rules applied to entities first established after 2000). For subsequent years, the per visit payment for all FQHCs and RHCs equals the amounts for the preceding fiscal year increased by the percentage increase in the Medicare Economic Index applicable to primary care services, and adjusted for any changes in the scope of services furnished during that fiscal year. In managed care contracts, states are required to make supplemental payments to the facility equal to the difference between the contracted amount and the cost-based amounts.

Explanation of Provision

This section would establish a prospective payment system in CHIP for FQHCs and RHCs similar to the payment system established by the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) applicable under Medicaid law. States that operate separate or combination CHIP programs would be required to reimburse FQHCs and RHCs based on the Medicaid Prospective Payment System, starting in FY 09. A one-time appropriation of $5 million will be made available to the Secretary of HHS to be provided to affected states to enable them to transition to the new payment system on the affected states. The Secretary would be required to monitor the impact of the application of the payment system on states and report to Congress within two years of implementation on any effect on access to benefits, provider payment rates, or scope of benefits offered by affected states.

Title VII—Revenue Provisions

Title VIII—Effective Date

SECTION 801. EFFECTIVE DATE

Current Law

No provision.

Explanation of Provision

The effective date of this bill except with respect to section 301 would be October 1, 2007, whether or not final regulations to carry out provisions in the bill have been promulgated by that date. In the case of both current state CHIP and Medicaid plans, if the Secretary of HHS determines that a state must pass new state legislation to implement the requirements of this bill, the state's existing CHIP and/or Medicaid plans, if applicable, would not be considered to be out of compliance solely on the basis of its failure to meet such requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the state legislature that begins after the date of enactment of this bill. In the case of a state that has a 2-year legislative session, each year of such session must be considered to be a separate regular session of the state legislature. With respect to section 301, the effective date will be October 1, 2008.

By Mr. REID (for Mr. DODD (for himself, Mr. NELSON of Nebraska, Mr. KENNEDY, Mr. REED, and Mr. LIEBERMAN)):

S. 1894. A bill to amend the Family and Medical Leave Act of 1993 to provide family and medical leave to primary caregivers of servicemembers with combat-related injuries; to the Committee on Health, Education, Labor, and Pensions.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to introduce the Support for Injured Servicemembers Act of 2007. This bill will implement one of the key recommendations of the President's Commission on Care for America's Returning Wounded Warriors. First of all, I commend former Senator Bob Dole, former Secretary of Health and Human Services Donna Shalala, and the distinguished members of the Commission for their thoughtfulness and thorough work on this critically important matter.

More than 20 years ago, I began the effort to bring job protection to hard-working Americans so they wouldn't have to choose between the family they love and the job they need. This effort, after more than seven years, three presidents, and two vetoes, eventually led to the enactment of the Family Medical Leave Act, FMLA, which provides 12 weeks of unpaid leave for eligible employees to care for a newborn or adopted child, their own serious illness or that of a loved one. Since its passage, I have worked to expand this act to cover more workers and to provide for wage replacement, so that more employees can afford to take leave when necessary.

Mr. President, it is essential that we do everything possible to support our troops and to allow their loved ones to be with them as they recover from a combat-related injury or illness. That is why we must expand and improve leave benefits to those caring for our injured or ill servicemembers. The bill I introduce today provides up to 6 months of FMLA leave for primary caregivers of servicemembers who suffer from a combat-related injury or illness. FMLA currently provides for 3 months of unpaid leave to a spouse, parent or child acting as a caregiver for a person with a serious illness. However, some of those injured in service to our country rely on other family members or friends to care for them as they recover. This legislation allows these other primary caregivers, such as siblings, cousins, friends or significant others to take leave from their employment when our returning heroes need them most.

Our troops are giving their all on the battlefield. The very least our Government owes them is its total support for their family and medical needs. While FMLA has provided critical support to more than 50 million American families, I will not rest until we are able to modernize this statute to cover our wounded warriors. Plain and simple, the loved ones of these brave men and women should be allowed to care for them without the fear of losing their job.

I am pleased that I am joined today by Senators BEN NELSON, KENNEDY, REED and LIEBERMAN in introducing the Support for Injured Servicemembers Act of 2007 and ask for the support of all my colleagues for this critically important effort to care for our returning wounded warriors and their loved ones.

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. 1894

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 ''Support for Injured Servicemembers Act of 2007''.

SEC. 2. SERVICEMEMBER FAMILY LEAVE.

(a) DEFINITIONS.—Section 101 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2611) is amended by adding at the end the following:

''(14) COMBAT-RELATED INJURY.—The term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(A) as a direct result of armed conflict;

''(B) while an individual was engaged in hazardous service;

''(C) in the performance of duty under conditions simulating war; or

''(D) through an instrumentality of war.

''(15) SERVICEMEMBER.—The term 'servicemember' means a member of the Armed Forces.''.

(b) ENTITLEMENT TO LEAVE.—Section 102(a) of such Act (29 U.S.C. 2612(a)) is amended by adding at the end the following:

''(3) SERVICEMEMBER FAMILY LEAVE.—Subject to section 103, an eligible employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 workweeks of leave during any 12-month period to care for the servicemember.

''(4) COMBINED LEAVE TOTAL.—An eligible employee shall be entitled to a combined total of 26 workweeks of leave under paragraphs (1) and (3).''.

(c) REQUIREMENTS RELATING TO LEAVE.—

(1) SCHEDULE.—Section 102(b) of such Act (29 U.S.C. 2612(b)) is amended—

(A) in paragraph (1), by inserting after the second sentence the following: ''Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule''; and

(B) in paragraph (2), by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(2) SUBSTITUTION OF PAID LEAVE.—Section 102(d) of such Act (29 U.S.C. 2612(d)) is amended—

(A) in paragraph (1)—

(i) by inserting ''(or 26 workweeks in the case of leave provided under subsection (a)(3))'' after ''12 workweeks'' the first place it appears; and

(ii) by inserting ''(or 26 workweeks, as appropriate)'' after ''12 workweeks'' the second place it appears; and

(B) in paragraph (2)(B), by adding at the end the following: ''An eligible employee

may elect, or an employer may require the employee, to substitute any of the accrued paid vacation leave, personal leave, family leave, or medical or sick leave of the employee for leave provided under subsection (a)(3) for any part of the 26-week period of such leave under such subsection.''.

(3) NOTICE.—Section 102(e) of such Act (29 U.S.C. 2612(e)) is amended by adding at the end the following:

''(3) NOTICE FOR SERVICEMEMBER FAMILY LEAVE.—In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.''.

(4) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

''(f) CERTIFICATION FOR SERVICEMEMBER FAMILY LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.''.

(5) FAILURE TO RETURN.—Section 104(c) of such Act (29 U.S.C. 2614(c)) is amended—

(A) in paragraph (2)(B)(i), by inserting ''or section 102(a)(3)'' before the semicolon; and

(B) in paragraph (3)(A)—

(i) in clause (i), by striking ''or'' at the end;

(ii) in clause (ii), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(iii) a certification issued by the health care provider of the person for whom the employee is the primary caregiver, in the case of an employee unable to return to work because of a condition specified in section 102(a)(3).''.

(6) ENFORCEMENT.—Section 107 of such Act (29 U.S.C. 2617) is amended, in subsection (a)(1)(A)(i)(II), by inserting ''(or 26 weeks, in a case involving leave under section 102(a)(3))'' after ''12 weeks''.

(7) INSTRUCTIONAL EMPLOYEES.—Section 108 of such Act (29 U.S.C. 2618) is amended, in subsections (c)(1), (d)(2), and (d)(3), by inserting ''or section 102(a)(3)'' after ''section 102(a)(1)''.

SEC. 3. SERVICEMEMBER FAMILY LEAVE FOR CIVIL SERVICE EMPLOYEES.

(a) DEFINITIONS.—Section 6381 of title 5, United States Code, is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(7) the term 'combat-related injury' means an injury or illness that was incurred (as determined under criteria prescribed by the Secretary of Defense)—

''(A) as a direct result of armed conflict;

''(B) while an individual was engaged in hazardous service;

''(C) in the performance of duty under conditions simulating war; or

''(D) through an instrumentality of war; and

''(8) the term 'servicemember' means a member of the Armed Forces.''.

(b) ENTITLEMENT TO LEAVE.—Section 6382(a) of such title is amended by adding at the end the following:

''(3) Subject to section 6383, an employee who is the primary caregiver for a servicemember with a combat-related injury shall be entitled to a total of 26 administrative workweeks of leave during any 12-month period to care for the servicemember.

''(4) An employee shall be entitled to a combined total of 26 administrative workweeks of leave under paragraphs (1) and (3).''.

(c) REQUIREMENTS RELATING TO LEAVE.—

(1) SCHEDULE.—Section 6382(b) of such title is amended—

(A) in paragraph (1), by inserting after the second sentence the following: ''Subject to paragraph (2), leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.''; and

(B) in paragraph (2), by inserting ''or subsection (a)(3)'' after ''subsection (a)(1)''.

(2) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by adding at the end the following: ''An employee may elect to substitute for leave under subsection (a)(3) any of the employee's accrued or accumulated annual or sick leave under subchapter I for any part of the 26-week period of leave under such subsection.''.

(3) NOTICE.—Section 6382(e) of such title is amended by adding at the end the following:

''(3) In any case in which an employee seeks leave under subsection (a)(3), the employee shall provide such notice as is practicable.''.

(4) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

''(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 281—CONGRATULATING CAL RIPKEN JR. FOR HIS INDUCTION INTO THE BASEBALL HALL OF FAME, FOR AN OUTSTANDING CAREER AS AN ATHLETE, AND FOR HIS CONTRIBUTIONS TO BASEBALL AND TO HIS COMMUNITY

Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. SCHUMER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 281

Whereas Cal Ripken, Jr. was born and raised in Maryland;

Whereas Cal Ripken, Jr. was elected to the Baseball Hall of Fame on January 9, 2007, his first year of eligibility, for his outstanding accomplishments during his 21-year career in Major League Baseball;

Whereas Cal Ripken, Jr. will be inducted into the Baseball Hall of Fame on July 29, 2007, along with fellow baseball legend Tony Gwynn;

Whereas Cal Ripken, Jr. was nearly unanimously elected to the Baseball Hall of Fame with the highest number of votes ever received for a regular position player;

Whereas Cal Ripken, Jr. is widely considered the ''Iron Man'' of baseball, having earned this moniker by playing in 2,632 consecutive games, a feat unmatched in professional sports;

Whereas Cal Ripken, Jr. was the American League Rookie of the Year in 1982;

Whereas Cal Ripken, Jr. had 3,184 career hits and 431 home runs and received 8 Silver Slugger Awards for his superior offensive play;

Whereas Cal Ripken, Jr. is first among the all-time Baltimore Orioles career leaders in total games played, consecutive games played, at bats, hits, runs, runs batted in, extra base hits, doubles, home runs, total bases, walks, strikeouts, assists, and double plays;

Whereas Cal Ripken, Jr. is first among all Major League Baseball players in the number of consecutive games played and the number of double plays by a shortstop;

Whereas Cal Ripken, Jr. is the all-time leader in Major League Baseball All-Star fan balloting, has made the most Major League Baseball All-Star Game appearances at shortstop, and has made the most consecutive Major League Baseball All-Star Game starts;

Whereas Cal Ripken, Jr. has not only proven to be a great hitter but a great defensive player, winning 2 Gold Glove awards;

Whereas Cal Ripken, Jr. was selected to play on 19 All-Star teams throughout his career and was twice voted All-Star Game Most Valuable Player;

Whereas Cal Ripken, Jr. helped the Baltimore Orioles win the World Series in 1983;

Whereas, in an era when money dominated the game of baseball, Cal Ripken, Jr. chose to play in Baltimore for the Baltimore Orioles when it was believed that he could have earned more money with another team in another city;

Whereas Cal Ripken, Jr. is an example of good sportsmanship who has always conducted himself with dignity;

Whereas Cal Ripken, Jr. is a role model for young people and for all the people of the United States;

Whereas Cal Ripken, Jr., along with his family and the Ripkin Baseball organization, is a philanthropist dedicated to the Cal Ripken Sr. Foundation, which gives underprivileged children the opportunity to attend baseball camps around the country;

Whereas Cal Ripken, Jr. operates baseball camps and designs baseball fields for youth, college, and professional teams;

Whereas Cal Ripken, Jr. gives speeches about his time in baseball and some of the lessons he has learned;

Whereas, in 1992, Cal Ripken, Jr. was awarded Major League Baseball's Roberto Clemente Man of the Year Award and the Lou Gehrig Memorial Award for his community involvement; and

Whereas Cal Ripken, Jr. has been selected for the Major League Baseball All-Century Team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates Cal Ripken, Jr. for his election to the Baseball Hall of Fame;

(2) honors Cal Ripkin, Jr. for an outstanding career as an athlete; and

(3) thanks Cal Ripkin, Jr. for his contributions to baseball and to his community.

SENATE RESOLUTION 282—SUPPORTING THE GOALS AND IDEALS OF A NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS WEEK TO RAISE PUBLIC AWARENESS AND UNDERSTANDING OF POLYCYSTIC KIDNEY DISEASE AND TO FOSTER UNDERSTANDING OF THE IMPACT POLYCYSTIC KIDNEY DISEASE HAS ON PATIENTS AND FUTURE GENERATIONS OF THEIR FAMILIES

Mr. KOHL (for himself, Mr. HATCH, submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 282

Whereas polycystic kidney disease (known as ''PKD'') is 1 of the most prevalent life-threatening genetic diseases in the United States, is a severe, dominantly inherited disease that has a devastating impact, in both human and economic terms, on people of all ages, and affects equally people of all races, sexes, nationalities, geographic locations, and income levels;

Whereas, based on prevalence estimates by the National Institutes of Health, it is estimated that about 600,000 patients in the United States have a genetic inheritance from 1 or both parents for polycystic kidney disease, and that countless additional friends, loved ones, spouses, and caregivers must shoulder the physical, emotional, and financial burdens that polycystic kidney disease causes;

Whereas polycystic kidney disease, for which there is no treatment or cure, is the leading genetic cause of kidney failure in the United States and the 4th leading cause overall;

Whereas the vast majority of polycystic kidney disease patients reach kidney failure at an average age of 53, causing a severe strain on dialysis and kidney transplantation resources and on the delivery of health care in the United States, as the largest segment of the population of the United States, the ''baby boomers'', continues to age;

Whereas end stage renal disease is one of the fastest growing components of the Medicare budget, and polycystic kidney disease contributes to that cost by an estimated $2,000,000,000 annually for dialysis, kidney transplantation, and related therapies;

Whereas polycystic kidney disease is a systemic disease that causes damage to the kidney and the cardiovascular, endocrine, hepatic, and gastrointestinal organ systems and instills in patients a fear of an unknown future with a life-threatening genetic disease and apprehension over possible genetic discrimination;

Whereas the severity of the symptoms of polycystic kidney disease and the limited public awareness of the disease cause many patients to live in denial and forego regular visits to their physicians or to avoid following good health management which would help avoid more severe complications when kidney failure occurs;

Whereas people who have chronic, life-threatening diseases like polycystic kidney disease have a predisposition to depression and its resultant consequences due to their anxiety over pain, suffering, and premature death;

Whereas the Senate and taxpayers of the United States desire to see treatments and cures for disease and would like to see results from investments in research conducted by the National Institutes of Health (NIH) and from such initiatives as the NIH Roadmap to the Future;

Whereas polycystic kidney disease is a verifiable example of how collaboration, technological innovation, scientific momentum, and public-private partnerships can generate therapeutic interventions that directly benefit polycystic kidney disease sufferers, save billions of Federal dollars under Medicare, Medicaid, and other programs for dialysis, kidney transplants, immunosuppressant drugs, and related therapies, and make available several thousand openings on the kidney transplant waiting list;

Whereas improvements in diagnostic technology and the expansion of scientific knowledge about polycystic kidney disease have led to the discovery of the 3 primary genes that cause polycystic kidney disease and the 3 primary protein products of the genes and to the understanding of cell structures and signaling pathways that cause cyst growth that has produced multiple polycystic kidney disease clinical drug trials;

Whereas there are thousands of volunteers nationwide who are dedicated to expanding essential research, fostering public awareness and understanding of polycystic kidney disease, educating polycystic kidney disease patients and their families about the disease to improve their treatment and care, providing appropriate moral support, and encouraging people to become organ donors; and

Whereas these volunteers engage in an annual national awareness event held during the 3rd week of September, and such a week would be an appropriate time to recognize National Polycystic Kidney Disease Awareness Week: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of September 9-16, 2007, as ''National Polycystic Kidney Disease Awareness Week'';

(2) supports the goals and ideals of a national week to raise public awareness and understanding of polycystic kidney disease (known as ''PKD'');

(3) recognizes the need for additional research into a cure for polycystic kidney disease; and

(4) encourages the people of the United States and interested groups to support National Polycystic Kidney Disease Awareness Week through appropriate ceremonies and activities, to promote public awareness of polycystic kidney disease and to foster understanding of the impact of the disease on patients and their families.

Mr. KOHL. Mr. President, I rise today along with Senator Hatch to introduce a resolution to increase awareness of Polycystic Kidney Disease, PKD, a common and life threatening genetic illness.

Over 600,000 people have been diagnosed with PKD nationwide including 10,000 people in my home State of Wisconsin. There is no treatment or cure for PKD. Families and friends struggle to fight this disease and provide unwavering support to their loved ones suffering from PKD.

But there is hope. The PKD Foundation has led the fight for increased research and patient education. Recent studies have led to the discovery of the genes that cause PKD as well as promising clinical drug trials for treatment. More needs to be done and the Government wants to help.

In order to increase public awareness of this fatal disease, I propose that September 9 through 16 be designated as ''National Polycystic Kidney Disease Awareness Week.'' This week coincides with the annual walk for PKD which takes place every September. In Wisconsin, residents gather across the State to take part in this very special walk.

Increasing awareness will help all those affected by this terrible disease. I hope my colleagues will support this important resolution.

Mr. HATCH. Mr. President, I am pleased to introduce today, along with my colleague from Wisconsin, Senator Herb Kohl, a resolution to designate the week of September 9–16, 2007, as ''National Polycystic Kidney Disease Awareness Week''.

This resolution acknowledges the dangers of Polycystic Kidney Disease, also called PKD, which affects over 600,000 Americans. That is more than three times the population of Salt Lake City.

PKD is the most common, life-threatening genetic disease in the U.S. There is no cure, and it is one of the four leading causes of kidney failure, also called end-stage renal disease; diabetes being number one.

Polycystic kidney disease is characterized by the growth of numerous fluid-filled cysts in the kidney, which slowly reduce the kidney function and can eventually lead to kidney failure. When PKD causes kidneys to fail, the patient requires dialysis or kidney transplantation. About one-half of people with the major type of PKD progress to kidney failure.

PKD is especially personal to me because so many Utahns suffer from this disease. The PKD Foundation claims that approximately 5,000 individuals in Utah live with PKD, and that the incidence of end-stage renal disease in Utah is three times that of the national average. To cure PKD would result in billions of dollars in savings to the military, Medicare, Medicaid, and the Veterans Administration for dialysis, transplantation and related treatments.

Due to the illusiveness of PKD, many people are simply unaware of the nature of this disease. A National Polycystic Kidney Disease Awareness Week will help spread the word about the deadliness of PKD and vast numbers of, not only Utahns, but all Americans affected by this disease. With education comes the ability to know how to help people. Let us make it possible for everyone to know about PKD, so that more people can join the effort in making PKD a disease of the past.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2477. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

SA 2478. Mr. AKAKA submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2479. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2480. Mr. GRAHAM (for himself, Mr. PRYOR, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, Mr. CORNYN, Mrs. HUTCHISON, Mr. SPECTER, Mr. COLEMAN, Mrs. LINCOLN, Mr. BYRD, Mr. SALAZAR, Mr. WEBB, Mr. BAUCUS, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. ALEXANDER, Mrs. DOLE, Mr. DOMENICI, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CORKER, Mr. HATCH, Mr. CHAMBLISS, Mr. WARNER, and Mr. INHOFE) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2481. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2482. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself

and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2483. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2484. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2485. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2486. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2487. Mrs. CLINTON (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2488. Mr. VITTER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2489. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2448 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2490. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2491. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2492. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2493. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2494. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2495. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2496. Mr. COCHRAN (for himself and Mr. BYRD) proposed an amendment to amendment SA 2488 submitted by Mr. VITTER (for himself and Ms. STABENOW) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2497. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2498. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2499. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2500. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2501. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2502. Mr. PRYOR (for himself, Mr. CRAIG, Mr. SCHUMER, Mr. CHAMBLISS, Mr. ROBERTS, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2503. Mr. MARTINEZ (for himself, Mr. KYL, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2504. Mr. LEVIN (for himself, Mr. TESTER, Ms. STABENOW, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2505. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. BYRD) proposed an amendment to amendment SA 2468 proposed by Ms. LANDRIEU to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2506. Mr. NELSON, of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2507. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2508. Mr. LIEBERMAN (for himself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2509. Mrs. MCCASKILL (for herself, Mr. OBAMA, Mr. PRYOR, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2510. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2511. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2512. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2513. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2514. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2515. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, and Mr. NELSON, of Florida) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2516. Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2517. Mr. GRASSLEY (for himself, Mr. THUNE, Mr. VITTER, Mr. COBURN, Mr. CRAPO, Mr. HAGEL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2518. Mr. KYL (for himself and Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2519. Mr. OBAMA (for himself, Mr. COBURN, Mr. CASEY, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2520. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2521. Mr. ROBERTS (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2522. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2523. Mr. KERRY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2638, supra; which was ordered to lie on the table.

SA 2524. Mr. COLEMAN (for himself, Mr. ALLARD, Ms. KLOBUCHAR, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2525. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2526. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

SA 2527. Mrs. MURRAY (for Ms. LANDRIEU) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, supra.

TEXT OF AMENDMENTS

SA 2477. Mr. KERRY (for himself and Mr. KENNEDY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 40, line 15, after ''Security'' insert ''and an analysis of the Department's policy of ranking States, cities, and other grantees by tiered groups,''.

SA 2478. Mr. AKAKA submitted an amendment intended to be proposed to

amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT ON THE PERFORMANCE ACCOUNTABILITY AND STANDARDS SYSTEM OF THE TRANSPORTATION SECURITY ADMINISTRATION.

Not later than March 1, 2008, the Transportation Security Administration shall submit a report to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Transportation and Infrastructure of the House of Representatives on the implementation of the Performance Accountability and Standards System, including—

(1) the number of employees who achieved each level of performance;

(2) a comparison between managers and non-managers relating to performance and pay increases;

(3) the type and amount of all pay increases that have taken effect for each level of performance; and

(4) the attrition of employees covered by the Performance Accountability and Standards System.

SA 2479. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005), or any amendments reaching results similar to such proposed rulemaking.

SA 2480. Mr. GRAHAM (for himself, Mr. PRYOR, Mr. GREGG, Mr. MCCAIN, Mr. MARTINEZ, Mr. KYL, Mr. SUNUNU, Mr. CORNYN, Mrs. HUTCHISON, Mr. SPECTER, Mr. COLEMAN, Mrs. LINCOLN, Mr. BYRD, Mr. SALAZAR, Mr. WEBB, Mr. BAUCUS, Ms. LANDRIEU, Mrs. MCCASKILL, Mr. ALEXANDER, Mrs. DOLE, Mr. DOMENICI, Mr. VITTER, Mr. SESSIONS, Mr. COBURN, Mrs. FEINSTEIN, Mr. BUNNING, Mr. CORKER, Mr. HATCH, Mr. CHAMBLISS, Mr. WARNER, and Mr. INHOFE) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows;

At the end, add the following:

DIVISION B—BORDER SECURITY

TITLE X—BORDER SECURITY REQUIREMENTS

SEC. 1001. SHORT TITLE.

This division may be cited as the ''Border Security First Act of 2007''.

SEC. 1002. BORDER SECURITY REQUIREMENTS.

(a) REQUIREMENTS.—Not later than 2 years after the date of the enactment of this Act, the President shall ensure that the following are carried out:

(1) OPERATIONAL CONTROL OF THE INTERNATIONAL BORDER WITH MEXICO.—The Secretary of Homeland Security shall establish and demonstrate 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 shall hire, train, and report for duty 23,000 full-time agents.

(3) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol shall—

(A) install along the international land border between the United States and Mexico at least—

(i) 300 miles of vehicle barriers;

(ii) 700 linear miles of fencing as required by the Secure Fence Act of 2006 (Public Law 109–367), as amended by this Act; and

(iii) 105 ground-based radar and camera towers; and

(B) deploy for use along the international land border between the United States and Mexico 4 unmanned aerial vehicles, and the supporting systems for such vehicles.

(4) CATCH AND RETURN.—The Secretary of Homeland Security shall detain 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 shall have the resources to maintain this practice, including the resources necessary to detain up to 45,000 aliens per day on an annual basis.

(b) 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 (4) 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.

SEC. 1003. APPROPRIATIONS FOR BORDER SECURITY.

There is hereby appropriated $3,000,000,000 to satisfy the requirements set out in section 1002(a) and, if any amount remains after satisfying such requirements, to achieve and maintain operational control over the international land and maritime borders of the United States, for employment eligibility verification improvements for increased removal and detention of visa overstays, criminal aliens, aliens who have illegally reentered the United States, and for reimbursement of State and local section 287(g) expenses. These amounts are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 2481. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of Homeland Security to remove offenses from the list of criminal offenses disqualifying individuals from receiving a Transportation Worker Identification Credential under section 1572.103 of title 49, Code of Federal Regulations.

SA 2482. Mr. DEMINT submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. _____. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

''§ 1311. Continuing appropriations

''(a)(1) If any regular appropriation bill for a fiscal year (or, if applicable, for each fiscal year in a biennium) does not become law before the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

''(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

''(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

''(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

''(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year;

''(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year;

''(C) the rate of operations provided for in the regular appropriation bill as passed by the House of Representatives or the Senate for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which

there is a budget request if no funding is provided for that project or activity in either version; or

''(D) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

''(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

''(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be; or

''(B) the last day of such fiscal year.

''(b) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

''(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

''(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

''(e) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

''(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period; or

''(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

''(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

''(1) Agriculture, Rural Development, Food and Drug Administration, and Related Agencies.

''(2) Commerce, Justice, Science, and Related Agencies.

''(3) Defense.

''(4) Energy and Water Development.

''(5) Financial Services and General Government.

''(6) Homeland Security.

''(7) Interior, Environment, and Related Agencies.

''(8) Labor, Health and Human Services, Education, and Related Agencies.

''(9) Legislative Branch.

''(10) Military Construction, Veterans' Affairs, and Related Agencies.

''(11) State, Foreign Operations, and Related Programs.

''(12) Transportation, Housing and Urban Development, and Related Agencies.''.

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

''1311. Continuing appropriations''.

SA 2483. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) and 206.438(d) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection are any amounts provided to the State of Louisiana because of Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2484. Mr. GREGG submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. ACCOUNTABILITY IN GRANT AND CONTRACT ADMINISTRATION.

The Department of Homeland Security, through the Federal Emergency Management Agency, shall—

(1) consider implementation, through fair and open competition, of management, tracking and accountability systems to assist in managing grant allocations, distribution, expenditures, and asset tracking; and

(2) consider any efficiencies created through cooperative purchasing agreements.

SA 2485. Ms. COLLINS submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 33, strike line 25 and all that follows through page 34, line 4, and insert the following: ''Affairs, $117,400,000; of which $20,817,000 is for salaries and expenses; of which $2,400,000 is for the implementation of Homeland Security Presidential Directive/HSPD-9 (relating to the defense of United States Agriculture and Food) and for other food defense activities; and of which $94,183,000 is for biosurveillance, biowatch, chemical response, and related activities for the Department of Homeland Security, to remain available until September 30, 2009: *Provided*, That amounts appropriated under the subheading 'Automation Modernization' under the heading 'U.S. Immigration and Customs Enforcement' be reduced by $2,400,000: *Provided further*, That''.

SA 2486. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30, line 17, before the period insert the following: ''*Provided*, That $10,043,000 shall be for the Office of Bombing Prevention and not more than $26,100,000 shall be for the Next Generation Network''.

SA 2487. Mrs. CLINTON (for herself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. The Administrator of the Transportation Security Administration shall prohibit any butane lighters from being taken

into an airport sterile area or onboard an aircraft until the Administrator provides to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate, a report identifying all anticipated security benefits and any possible vulnerabilities associated with allowing butane lighters into airport sterile areas and onboard commercial aircraft, including supporting analysis justifying the conclusions reached. The Comptroller General of the United States shall report on its assessment of the report submitted by the Transportation Security Administration within 180 days of the date the report is submitted. The Administrator shall not take action to allow butane lighters into an airport sterile area or onboard commercial aircraft until at least 60 days after the Comptroller General submits the Comptroller General's assessment of the Transportation Security Administration report.

SA 2488. Mr. VITTER (for himself and Ms. STABENOW) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. None of the funds made available in this Act for U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security may be used to prevent an individual from importing a prescription drug from Canada if—

(1) such individual—

(A) is not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(g))); and

(B) only imports a personal-use quantity of such drug that does not exceed a 90-day supply; and

(2) such drug—

(A) complies with sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 352, and 355); and

(B) is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2489. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2448 submitted by Mr. SCHUMER (for himself and Mrs. HUTCHISON) to the amendment 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 13 of the amendment, insert the following:

SEC. 537. 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 section 536, 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.''.

SEC. 538. 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.''.

SEC. 539. 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.''.

SEC. 540. GLOBAL HEALTH CARE COOPERATION.

(a) 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 this section, 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).''.

(b) RULEMAKING.—

(1) 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 section.

(2) CONTENT.—The regulations promulgated pursuant to paragraph (1) shall—

(A) permit an eligible alien (as defined in section 317A of the Immigration and Nationality Act, as added by subsection (a)) 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;

(B) 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

(C) 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.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) 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,''.

(2) 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),''.

(3) 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,''.

(4) 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)''.

(5) 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''.

(d) 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 section and the amendments made by this section.

SEC. 541. ATTESTATION BY HEALTH CARE WORKERS.

(a) 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.''.

(b) EFFECTIVE DATE; APPLICATION.—

(1) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(2) APPLICATION BY THE SECRETARY.—Not later than the effective date described in paragraph (1), 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.

SA 2490. Mr. MENENDEZ (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. REPORT ON URBAN AREA SECURITY INITIATIVE.

Not later than 180 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the appropriate congressional committees which describes the criteria and factors the Department of Homeland Security uses to determine the regional boundaries for Urban Area Security Initiative regions, including a determination if the Department is meeting its goal to implement a regional approach with respect to Urban Area Security Initiative regions, and provides recommendations for how the Department can better facilitate a regional approach for Urban Area Security Initiative regions.

SA 2491. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. APPLICATION FOR TRANSPORT WORKER IDENTIFICATION CREDENTIAL.

(a) IN GENERAL.—The Secretary shall allow an employer to use Homeport, a website maintained by the Coast Guard, to conduct an initial screening for interim work authority for employment aboard a vessel under section 104(c) of the SAFE Port Act (46 U.S.C. 70105 note).

(b) TIME LIMITATION.—The Secretary shall allow an applicant who has passed an initial screening for interim work authority to be employed aboard a vessel for up to 180 days before requiring the employee to apply for a Transportation Worker Identification Credential.

(c) LIMITATION ON USE OF FUNDS.—No funds appropriated under this Act may be used to require an employee to apply for a Transportation Worker Identification Credential before the Secretary makes available on Homeport the security screening for interim work authority for employment aboard a vessel required under section 104(c) of the SAFE Port Act (46 U.S.C. 70105 note).

SA 2492. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H-2B) set out beginning on 70 Federal Register 3984 (January 27, 2005), or any amendments reaching results similar to such proposed rulemaking.

SA 2493. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 11, strike ''$100,000,000'' and insert ''$98,000,000''.

On page 45, between lines 23 and 24, insert the following:

GRANTS FOR COMMUNITY WILDFIRE PREPAREDNESS AND EDUCATION

For necessary expense for programs administered Assistant Administrator for the United States Fire Administration to educate communities about the dangers of wildfires and provide information and resources to assist community preparedness for wildfires, $2,000,000: *Provided*, That such programs shall be targeted to provide education to communities growing into the wildland urban interface and in areas at risk for wildfire: *Provided further*, That such programs shall be administered as part of the larger mission of the United States Fire Administration within the Federal Emergency Management Agency to reduce life and economic losses due to fire and related emergencies, through leadership, advocacy, coordination, and support.

SA 2494. Mr. VITTER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION OF RESTRICTION ON USE OF AMOUNTS.

(a) IN GENERAL.—Subject to subsection (c), and notwithstanding any other provision of law, the Administrator of the Federal Emergency Management Agency shall not prohibit the use by the State of Louisiana under the Road Home Program of that State of any amounts described in subsection (e), based upon the existence or extent of any requirement or condition under that program that—

(1) limits the amount made available to an eligible homeowner who does not agree to remain an owner and occupant of a home in Louisiana; or

(2) waives the applicability of any limitation described in paragraph (1) for eligible homeowners who are elderly or senior citizens.

(b) PROCEDURES.—The Administrator of the Federal Emergency Management Agency shall identify and implement mechanisms to simplify the expedited distribution of amounts described in subsection (e), including—

(1) creating a programmatic cost-benefit analysis to provide a means of conducting cost-benefit analysis by project type and geographic factors rather than on a structure-by-structure basis; and

(2) developing a streamlined environmental review process to significantly speed the approval of project applications.

(c) WAIVER.—

(1) IN GENERAL.—Except as provided in paragraph (2), in using amounts described in subsection (e), the President shall waive the requirements of section 206.434(c) and section 206.438(d) of title 44, Code of Federal Regulations (or any corresponding similar regulation or ruling), or specify alternative requirements, upon a request by the State of Louisiana that such waiver is required to facilitate the timely use of funds or a guarantee provided under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

(2) EXCEPTION.—The President may not waive any requirement relating to fair housing, nondiscrimination, labor standards, or, except as provided in subsection (b), the environment under paragraph (1).

(d) SAVINGS PROVISION.—Except as provided in subsections (a), (b), and (c), section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c) shall apply to amounts described in subsection (e) that are used by the State of Louisiana under the Road Home Program of that State.

(e) COVERED AMOUNTS.—The amounts described in this subsection is $1,170,000,000 provided to the State of Louisiana because of

Hurricane Katrina of 2005 or Hurricane Rita of 2005 under the hazard mitigation grant program of the Federal Emergency Management Agency under section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

SA 2495. Mr. ISAKSON submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF SENATE ON IMMIGRATION.

(a) FINDINGS.—The Senate makes the following findings:

(1) On June 28th, 2007, the Senate, by a vote of 46 to 53, rejected a motion to invoke cloture on a bill to provide for comprehensive immigration reform.

(2) Illegal immigration remains the top domestic issue in the United States.

(3) The people of the United States continue to feel the effects of a failed immigration system on a daily basis, and they have not forgotten that Congress and the President have a duty to address the issue of illegal immigration and the security of the international borders of the United States.

(4) People from across the United States have shared with members of the Senate their wide ranging and passionate opinions on how best to reform the immigration system.

(5) There is no consensus on an approach to comprehensive immigration reform that does not first secure the international borders of the United States.

(6) There is unanimity that the Federal Government has a responsibility to, and immediately should, secure the international borders of the United States.

(7) Border security is an integral part of national security.

(8) The greatest obstacle the Federal Government faces with respect to the people of the United States is a lack of trust that the Federal Government will secure the international borders of the United States.

(9) This lack of trust is rooted in the past failures of the Federal Government to uphold and enforce immigration laws and the failure of the Federal Government to secure the international borders of the United States.

(10) Failure to uphold and enforce immigration laws has eroded respect for those laws and eliminated the faith of the people of the United States in the ability of their elected officials to responsibly administer immigration programs.

(11) It is necessary to regain the trust of the people of the United States in the competency of the Federal Government to enforce immigration laws and manage the immigration system.

(12) Securing the borders of the United States would serve as a starting point to begin to address other issues surrounding immigration reform on which there is not consensus.

(13) Congress has not fully funded some interior and border security activities that it has authorized.

(14) The President of the United States can initiate emergency spending by designating certain spending as ''emergency spending'' in a request to the Congress.

(15) The lack of security on the international borders of the United States rises to the level of an emergency.

(16) The Border Patrol are apprehending some, but not all, individuals from countries that the Secretary of State has determined have repeatedly provided support for acts of international terrorism who cross or attempt to cross illegally into the United States.

(17) The Federal Bureau of Investigation is investigating a human smuggling ring that has been bringing Iraqis and other Middle Eastern individuals across the international borders of the United States.

(b) SENSE OF SENATE.—It is the sense of Senate that—

(1) the Federal Government should work to regain the trust of the people of the United States in its ability of the Federal Government to secure the international borders of the United States;

(2) in order to restore the credibility of the Federal Government on this critical issue, the Federal Government should prove its ability to enforce immigration laws by taking actions such as securing the border, stopping the flow of illegal immigrants and drugs into the United States, and creating a tamper-proof biometric identification card for foreign workers; and

(3) the President should request emergency spending that fully funds—

(A) existing interior and border security authorizations that have not been funded by Congress; and

(B) the border and interior security initiatives contained in the bill to provide for comprehensive immigration reform and for other purposes (S. 1639) introduced in the Senate on June 18, 2007.

SA 2496. Mr COCHRAN (for himself and Mr. BYRD) proposed an amendment to amendment SA 2488 submitted by Mr. VITTER (for himself and Ms. STABENOW) to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes, as follows:

In lieu of the matter proposed to be inserted, insert the following:

None of the funds made available in this Act for United States Customs and Border Protection may be used to prevent an individual not in the business of importing a prescription drug (within the meaning of section 801(g) of the Federal Food, Drug, and Cosmetic Act) from importing a prescription drug from Canada that complies with the Federal Food, Drug, and Cosmetic Act: Provided, That this section shall apply only to individuals transporting on their person a personal-use quantity of the prescription drug, not to exceed a 90-day supply: Provided further, That the prescription drug may not be—

(1) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802); or

(2) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

SA 2497. Mr. BYRD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. ____. None of the funds made available in this Act may be used to destroy or put out to pasture any horse or other equine belonging to the Federal Government that has become unfit for service, unless the trainer or handler is first given the option to take possession of the equine through an adoption program that has safeguards against slaughter and inhumane treatment.

SA 2498. Mr. SANDERS (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. PROHIBITION ON USE FUNDS FOR RULEMAKING RELATED TO PETITIONS FOR ALIENS.

None of the funds made available in this Act may be used by the Secretary of Homeland Security or any delegate of the Secretary to issue any rule or regulation which implements the Notice of Proposed Rulemaking related to Petitions for Aliens To Perform Temporary Nonagricultural Services or Labor (H–2B) set out beginning on 70 Federal Register 3984 (January 27, 2005).

SA 2499. Mrs. MURRAY submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. (a) The amount appropriated by title II for necessary expenses for the U.S. Customs and Border Protection for enforcement of laws relating to border security, immigration, customs, and agricultural inspections under the heading ''SALARIES AND EXPENSES'' is increased by $30,000,000 to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange.

(b) The amount appropriated by title IV under the heading ''SYSTEMS ACQUISITION'' is reduced by $30,000,000.

SA 2500. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING THE SAFETY OF AGRICULTURAL IMPORTS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Food and Drug Administration, as part of its responsibility to ensure the safety of agricultural and other imports, maintains a presence at 91 of the 320 points of entry into the United States.

(2) United States Customs and Border Protection personnel are responsible for monitoring imports and alerting the Food and Drug Administration to suspicious material entering the United States at the remaining 229 points of entry.

(b) REPORT.—The Commissioner of United States Customs and Border Protection shall submit a report to Congress that describes the training of United States Customs and Border Protection personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply.

SA 2501. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, beginning in line 15, strike ''*Provided*,'' and insert ''*Provided*,'' That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: Provided further, That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further*'',.

SA 2502. Mr. PRYOR (for himself, Mr. CRAIG, Mr. SCHUMER, Mr. CHAMBLISS, Mr. ROBERTS, and Mr. HAGEL) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 30, line 14, strike ''by title II'' and all that follows through ''2009.'' on line 17 and insert the following ''by title II of the Homeland Security Act of 2002 (6 U.S.C. 121 et seq.) or subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act, $527,099,000, of which $497,099,000 shall remain available until September 30, 2009, and of which, $2,000,000 shall be to carry out subtitle J of title VIII of the Homeland Security Act of 2002, as added by this Act.''.

On page 69, after line 24, add the following:

SEC. 536. SECURE HANDLING OF AMMONIUM NITRATE.

(a) IN GENERAL.—Title VIII of the Homeland Security Act of 2002 (6 U.S.C. 361 et seq.) is amended by adding at the end the following:

"Subtitle J—Secure Handling of Ammonium Nitrate

"SEC. 899A. DEFINITIONS.

''In this subtitle:

''(1) AMMONIUM NITRATE.—The term 'ammonium nitrate' means—

''(A) solid ammonium nitrate that is chiefly the ammonium salt of nitric acid and contains not less than 33 percent nitrogen by weight; and

''(B) any mixture containing a percentage of ammonium nitrate that is equal to or greater than the percentage determined by the Secretary under section 899B(b).

''(2) AMMONIUM NITRATE FACILITY.—The term 'ammonium nitrate facility' means any entity that produces, sells or otherwise transfers ownership of, or provides application services for ammonium nitrate.

''(3) AMMONIUM NITRATE PURCHASER.—The term 'ammonium nitrate purchaser' means any person who buys and takes possession of ammonium nitrate from an ammonium nitrate facility.

"SEC. 899B. REGULATION OF THE SALE AND TRANSFER OF AMMONIUM NITRATE.

''(a) IN GENERAL.—The Secretary shall regulate the sale and transfer of ammonium nitrate by an ammonium nitrate facility in accordance with this subtitle to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(b) AMMONIUM NITRATE MIXTURES.—Not later than 90 days after the date of the enactment of this subtitle, the Secretary, in consultation with the heads of appropriate Federal departments and agencies (including the Secretary of Agriculture), shall, after notice and an opportunity for comment, establish a threshold percentage for ammonium nitrate in a substance.

''(c) REGISTRATION OF OWNERS OF AMMONIUM NITRATE FACILITIES.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) owns an ammonium nitrate facility is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) shall submit to the Secretary—

''(A) the name, address, and telephone number of each ammonium nitrate facility owned by that person;

''(B) the name of the person designated by that person as the point of contact for each such facility, for purposes of this subtitle; and

''(C) such other information as the Secretary may determine is appropriate.

''(d) REGISTRATION OF AMMONIUM NITRATE PURCHASERS.—

''(1) REGISTRATION.—The Secretary shall establish a process by which any person that—

''(A) intends to be an ammonium nitrate purchaser is required to register with the Department; and

''(B) registers under subparagraph (A) is issued a registration number for purposes of this subtitle.

''(2) REGISTRATION INFORMATION.—Any person applying to register under paragraph (1) as an ammonium nitrate purchaser shall submit to the Secretary—

''(A) the name, address, and telephone number of the applicant; and

''(B) the intended use of ammonium nitrate to be purchased by the applicant.

''(e) RECORDS.—

''(1) MAINTENANCE OF RECORDS.—The owner of an ammonium nitrate facility shall—

''(A) maintain a record of each sale or transfer of ammonium nitrate, during the two-year period beginning on the date of that sale or transfer; and

''(B) include in such record the information described in paragraph (2).

''(2) SPECIFIC INFORMATION REQUIRED.—For each sale or transfer of ammonium nitrate, the owner of an ammonium nitrate facility shall—

''(A) record the name, address, telephone number, and registration number issued under subsection (c) or (d) of each person that takes possession of ammonium nitrate, in a manner prescribed by the Secretary;

''(B) if applicable, record the name, address, and telephone number of each individual who takes possession of the ammonium nitrate on behalf of the person described in subparagraph (A), at the point of sale;

''(C) record the date and quantity of ammonium nitrate sold or transferred; and

''(D) verify the identity of the persons described in subparagraphs (A) and (B), as applicable, in accordance with a procedure established by the Secretary.

''(3) PROTECTION OF INFORMATION.—In maintaining records in accordance with paragraph (1), the owner of an ammonium nitrate facility shall take reasonable actions to ensure the protection of the information included in such records.

''(f) EXEMPTION FOR EXPLOSIVE PURPOSES.—The Secretary may exempt from this subtitle a person producing, selling, or purchasing ammonium nitrate exclusively for use in the production of an explosive under a license issued under chapter 40 of title 18, United States Code.

''(g) CONSULTATION.—In carrying out this section, the Secretary shall consult with the Secretary of Agriculture, States, and appropriate private sector entities, to ensure that the access of agricultural producers to ammonium nitrate is not unduly burdened.

''(h) DATA CONFIDENTIALITY.—

''(1) IN GENERAL.—Notwithstanding section 552 of title 5, United States Code, or the USA PATRIOT ACT (Public Law 107–56; 115 Stat. 272), and except as provided in paragraph (2), the Secretary may not disclose to any person any information obtained under this subtitle.

''(2) EXCEPTION.—The Secretary may disclose any information obtained by the Secretary under this subtitle to—

''(A) an officer or employee of the United States, or a person that has entered into a contract with the United States, who has a need to know the information to perform the duties of the officer, employee, or person; or

''(B) to a State agency under section 899D, under appropriate arrangements to ensure the protection of the information.

''(i) REGISTRATION PROCEDURES AND CHECK OF TERRORIST SCREENING DATABASE.—

''(1) REGISTRATION PROCEDURES.—

''(A) GENERALLY.—The Secretary shall establish procedures to efficiently receive applications for registration numbers under this subtitle, conduct the checks required under paragraph (2), and promptly issue or deny a registration number.

''(B) INITIAL SIX-MONTH REGISTRATION PERIOD.—The Secretary shall take steps to maximize the number of registration applications that are submitted and processed during the six-month period described in section 899F(e).

''(2) CHECK OF TERRORIST SCREENING DATABASE.—

''(A) CHECK REQUIRED.—The Secretary shall conduct a check of appropriate identifying information of any person seeking to register with the Department under subsection (c) or (d) against identifying information that appears in the terrorist screening database of the Department.

''(B) AUTHORITY TO DENY REGISTRATION NUMBER.—If the identifying information of a person seeking to register with the Department under subsection (c) or (d) appears in the terrorist screening database of the Department, the Secretary may deny issuance of a registration number under this subtitle.

''(3) EXPEDITED REVIEW OF APPLICATIONS.—

''(A) IN GENERAL.—Following the six-month period described in section 899F(e), the Secretary shall, to the extent practicable, issue or deny registration numbers under this subtitle not later than 72 hours after the time the Secretary receives a complete registration application, unless the Secretary determines, in the interest of national security, that additional time is necessary to review an application.

''(B) NOTICE OF APPLICATION STATUS.—In all cases, the Secretary shall notify a person seeking to register with the Department under subsection (c) or (d) of the status of the application of that person not later than 72 hours after the time the Secretary receives a complete registration application.

''(4) EXPEDITED APPEALS PROCESS.—

''(A) REQUIREMENT.—

''(i) APPEALS PROCESS.—The Secretary shall establish an expedited appeals process

for persons denied a registration number under this subtitle.

''(ii) TIME PERIOD FOR RESOLUTION.—The Secretary shall, to the extent practicable, resolve appeals not later than 72 hours after receiving a complete request for appeal unless the Secretary determines, in the interest of national security, that additional time is necessary to resolve an appeal.

''(B) CONSULTATION.—The Secretary, in developing the appeals process under subparagraph (A), shall consult with appropriate stakeholders.

''(C) GUIDANCE.—The Secretary shall provide guidance regarding the procedures and information required for an appeal under subparagraph (A) to any person denied a registration number under this subtitle.

''(5) RESTRICTIONS ON USE AND MAINTENANCE OF INFORMATION.—

''(A) IN GENERAL.—Any information constituting grounds for denial of a registration number under this section shall be maintained confidentially by the Secretary and may be used only for making determinations under this section.

''(B) SHARING OF INFORMATION.—Notwithstanding any other provision of this subtitle, the Secretary may share any such information with Federal, State, local, and tribal law enforcement agencies, as appropriate.

''(6) REGISTRATION INFORMATION.—

''(A) AUTHORITY TO REQUIRE INFORMATION.—The Secretary may require a person applying for a registration number under this subtitle to submit such information as may be necessary to carry out the requirements of this section.

''(B) REQUIREMENT TO UPDATE INFORMATION.—The Secretary may require persons issued a registration under this subtitle to update registration information submitted to the Secretary under this subtitle, as appropriate.

''(7) RE-CHECKS AGAINST TERRORIST SCREENING DATABASE.—

''(A) RE-CHECKS.—The Secretary shall, as appropriate, recheck persons provided a registration number pursuant to this subtitle against the terrorist screening database of the Department, and may revoke such registration number if the Secretary determines such person may pose a threat to national security.

''(B) NOTICE OF REVOCATION.—The Secretary shall, as appropriate, provide prior notice to a person whose registration number is revoked under this section and such person shall have an opportunity to appeal, as provided in paragraph (4).

''SEC. 899C. INSPECTION AND AUDITING OF RECORDS.

''The Secretary shall establish a process for the periodic inspection and auditing of the records maintained by owners of ammonium nitrate facilities for the purpose of monitoring compliance with this subtitle or for the purpose of deterring or preventing the misappropriation or use of ammonium nitrate in an act of terrorism.

''SEC. 899D. ADMINISTRATIVE PROVISIONS.

''(a) COOPERATIVE AGREEMENTS.—The Secretary—

''(1) may enter into a cooperative agreement with the Secretary of Agriculture, or the head of any State department of agriculture or its designee involved in agricultural regulation, in consultation with the State agency responsible for homeland security, to carry out the provisions of this subtitle; and

''(2) wherever possible, shall seek to cooperate with State agencies or their designees that oversee ammonium nitrate facility operations when seeking cooperative agreements to implement the registration and enforcement provisions of this subtitle.

''(b) DELEGATION.—

''(1) AUTHORITY.—The Secretary may delegate to a State the authority to assist the Secretary in the administration and enforcement of this subtitle.

''(2) DELEGATION REQUIRED.—At the request of a Governor of a State, the Secretary shall delegate to that State the authority to carry out functions under sections 899B and 899C, if the Secretary determines that the State is capable of satisfactorily carrying out such functions.

''(3) FUNDING.—Subject to the availability of appropriations, if the Secretary delegates functions to a State under this subsection, the Secretary shall provide to that State sufficient funds to carry out the delegated functions.

''(c) PROVISION OF GUIDANCE AND NOTIFICATION MATERIALS TO AMMONIUM NITRATE FACILITIES.—

''(1) GUIDANCE.—The Secretary shall make available to each owner of an ammonium nitrate facility registered under section 899B(c)(1) guidance on—

''(A) the identification of suspicious ammonium nitrate purchases or transfers or attempted purchases or transfers;

''(B) the appropriate course of action to be taken by the ammonium nitrate facility owner with respect to such a purchase or transfer or attempted purchase or transfer, including—

''(i) exercising the right of the owner of the ammonium nitrate facility to decline sale of ammonium nitrate; and

''(ii) notifying appropriate law enforcement entities; and

''(C) additional subjects determined appropriate by to prevent the misappropriation or use of ammonium nitrate in an act of terrorism.

''(2) USE OF MATERIALS AND PROGRAMS.—In providing guidance under this subsection, the Secretary shall, to the extent practicable, leverage any relevant materials and programs.

''(3) NOTIFICATION MATERIALS.—

''(A) IN GENERAL.—The Secretary shall make available materials suitable for posting at locations where ammonium nitrate is sold.

''(B) DESIGN OF MATERIALS.—Materials made available under subparagraph (A) shall be designed to notify prospective ammonium nitrate purchasers of—

''(i) the record-keeping requirements under section 899B; and

''(ii) the penalties for violating such requirements.

''SEC. 899E. THEFT REPORTING REQUIREMENT.

''Any person who is required to comply with section 899B(e) who has knowledge of the theft or unexplained loss of ammonium nitrate shall report such theft or loss to the appropriate Federal law enforcement authorities not later than 1 calendar day of the date on which the person becomes aware of such theft or loss. Upon receipt of such report, the relevant Federal authorities shall inform State, local, and tribal law enforcement entities, as appropriate.

''SEC. 899F. PROHIBITIONS AND PENALTY.

''(a) PROHIBITIONS.—

''(1) TAKING POSSESSION.—No person shall take possession of ammonium nitrate from an ammonium nitrate facility unless such person is registered under subsection (c) or (d) of section 899B, or is an agent of a person registered under subsection (c) or (d) of that section.

''(2) TRANSFERRING POSSESSION.—An owner of an ammonium nitrate facility shall not transfer possession of ammonium nitrate from the ammonium nitrate facility to any person who is not registered under subsection (c) or (d) of section 899B, or is not an agent of a person registered under subsection (c) or (d) of that section.

''(3) OTHER PROHIBITIONS.—No person shall—

''(A) buy and take possession of ammonium nitrate without a registration number required under subsection (c) or (d) of section 899B;

''(B) own or operate an ammonium nitrate facility without a registration number required under section 899B(c); or

''(C) fail to comply with any requirement or violate any other prohibition under this subtitle.

''(b) CIVIL PENALTY.—A person that violates this subtitle may be assessed a civil penalty by the Secretary of not more than $50,000 per violation.

''(c) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section, the Secretary shall consider—

''(1) the nature and circumstances of the violation;

''(2) with respect to the person who commits the violation, any history of prior violations, the ability to pay the penalty, and any effect the penalty is likely to have on the ability of such person to do business; and

''(3) any other matter that the Secretary determines that justice requires.

''(d) NOTICE AND OPPORTUNITY FOR A HEARING.—No civil penalty may be assessed under this subtitle unless the person liable for the penalty has been given notice and an opportunity for a hearing on the violation for which the penalty is to be assessed in the county, parish, or incorporated city of residence of that person.

''(e) DELAY IN APPLICATION OF PROHIBITION.—Paragraphs (1) and (2) of subsection (a) shall apply on and after the date that is 6 months after the date that the Secretary issues of a final rule implementing this subtitle.

''SEC. 899G. PROTECTION FROM CIVIL LIABILITY.

''(a) IN GENERAL.—Notwithstanding any other provision of law, an owner of an ammonium nitrate facility that in good faith refuses to sell or transfer ammonium nitrate to any person, or that in good faith discloses to the Department or to appropriate law enforcement authorities an actual or attempted purchase or transfer of ammonium nitrate, based upon a reasonable belief that the person seeking purchase or transfer of ammonium nitrate may use the ammonium nitrate to create an explosive device to be employed in an act of terrorism (as defined in section 3077 of title 18, United States Code), or to use ammonium nitrate for any other unlawful purpose, shall not be liable in any civil action relating to that refusal to sell ammonium nitrate or that disclosure.

''(b) REASONABLE BELIEF.—A reasonable belief that a person may use ammonium nitrate to create an explosive device to be employed in an act of terrorism under subsection (a) may not solely be based on the race, sex, national origin, creed, religion, status as a veteran, or status as a member of the Armed Forces of the United States of that person.

''SEC. 899H. PREEMPTION OF OTHER LAWS.

''(a) OTHER FEDERAL REGULATIONS.—Except as provided in section 899G, nothing in this subtitle affects any regulation issued by any agency other than an agency of the Department.

''(b) STATE LAW.—Subject to section 899G, this subtitle preempts the laws of any State to the extent that such laws are inconsistent with this subtitle, except that this subtitle shall not preempt any State law that provides additional protection against the acquisition of ammonium nitrate by terrorists or the use of ammonium nitrate in explosives in acts of terrorism or for other illicit purposes, as determined by the Secretary.

"SEC. 899I. DEADLINES FOR REGULATIONS.

''The Secretary—

''(1) shall issue a proposed rule implementing this subtitle not later than 6 months after the date of the enactment of this subtitle; and

''(2) issue a final rule implementing this subtitle not later than 1 year after such date of enactment.

"SEC. 899J. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary—

''(1) $2,000,000 for fiscal year 2008; and

''(2) $10,750,000 for each of fiscal years 2009 through 2012.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 899 the following:

''Subtitle J—Secure Handling of Ammonium Nitrate

''Sec. 899A. Definitions.
''Sec. 899B. Regulation of the sale and transfer of ammonium nitrate.
''Sec. 899C. Inspection and auditing of records.
''Sec. 899D. Administrative provisions.
''Sec. 899E. Theft reporting requirement.
''Sec. 899F. Prohibitions and penalty.
''Sec. 899G. Protection from civil liability.
''Sec. 899H. Preemption of other laws.
''Sec. 899I. Deadlines for regulations.
''Sec. 899J. Authorization of appropriations.''.

SA 2503. Mr. MARTINEZ (for himself, Mr. KYL, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. (a) USE OF BIOMETRIC SOCIAL SECURITY CARDS TO ESTABLISH EMPLOYMENT AUTHORIZATION AND IDENTITY.—Section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)) is amended—

(1) in clause (ii)(III), by striking ''use.'' and inserting ''use; or''; and

(2) by adding at the end the following:

''(iii) social security card (other than a card that specifies on its face that the card is not valid for establishing employment authorization in the United States) that bears a photograph and meets the standards established under section 536(c) of the Department of Homeland Security Appropriations Act, 2008, upon the recommendation of the Secretary of Homeland Security, in consultation with the Commissioner of Social Security, pursuant to section 536(e)(1) of such Act.''.

(b) ACCESS TO SOCIAL SECURITY CARD INFORMATION.—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:

''(I) As part of the employment eligibility verification system established under section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a), the Commissioner of Social Security shall provide to the Secretary of Homeland Security access to any photograph, other feature, or information included in the social security card.''.

(c) FRAUD-RESISTANT, TAMPER-RESISTANT, AND WEAR-RESISTANT SOCIAL SECURITY CARDS.—

(1) ISSUANCE.—Not later than first day of the second fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall begin to administer and issue fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(2) INTERIM.—Not later than the first day of the seventh fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Commissioner of Social Security shall issue only fraud-resistant, tamper-resistant, and wear-resistant social security cards displaying a photograph.

(3) COMPLETION.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), all social security cards that are not fraud-resistant, tamper-resistant, and wear-resistant shall be invalid for establishing employment authorization for any individual 16 years of age or older.

(4) EXEMPTION.—Nothing in this section shall require an individual under the age of 16 years to be issued or to present for any purpose a social security card described in this subsection. Nothing in this section shall prohibit the Commissioner of Social Security from issuing a social security card not meeting the requirements of this subsection to an individual under the age of 16 years who otherwise meets the eligibility requirements for a social security card.

(d) DUTIES OF THE SOCIAL SECURITY ADMINISTRATION.—The Commissioner of Social Security—

(1) shall issue a social security card to an individual at the time of the issuance of a social security account number to such individual, which card shall—

(A) contain such security and identification features as determined by the Secretary of Homeland Security, in consultation with the Commissioner; and

(B) be fraud-resistant, tamper-resistant, and wear-resistant;

(2) shall, in consultation with the Secretary of Homeland Security, issue regulations specifying such particular security and identification features, renewal requirements (including updated photographs), and standards for the social security card as necessary to be acceptable for purposes of establishing identity and employment authorization under the immigration laws of the United States; and

(3) may not issue a replacement social security card to any individual unless the Commissioner determines that the purpose for requiring the issuance of the replacement document is legitimate.

(e) REPORTING REQUIREMENTS.—

(1) REPORT ON THE USE OF IDENTIFICATION DOCUMENTS.—Not later than the first day of the tenth fiscal year in which amounts are appropriated pursuant to the authorization of appropriations in subsection (f), the Secretary of Homeland Security shall submit to Congress a report recommending which documents, if any, among those described in section 274A(b)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)(B)), should continue to be used to establish identity and employment authorization in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than 12 months after the date on which the Commissioner begins to administer and issue fraud-resistant, tamper-resistant, and wear-resistant cards under subsection (c)(1) of this section, and annually thereafter, the Commissioner shall submit to Congress a report on the implementation of this section. The report shall include analyses of the amounts needed to be appropriated to implement this section, and of any measures taken to protect the privacy of individuals who hold social security cards described in this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section.

SA 2504. Mr. LEVIN (for himself, Mr. TESTER, Ms. STABENOW, and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF CONGRESS.

It is the sense of Congress that sufficient funds should be appropriated to allow the Secretary to increase the number of personnel of United States Customs and Border Protection protecting the northern border by 1,517 officers and 788 agents, as authorized by—

(1) section 402 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (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).

SA 2505. Mr. DORGAN (for himself, Mr. CONRAD, and Mr. BYRD) proposed an amendment to amendment SA 2468 proposed by Ms. LANDRIEU to the amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment, add the following:

SEC. 536. (a) ENHANCED REWARD FOR CAPTURE OF OSAMA BIN LADEN.—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(e)(1)) is amended by adding at the end the following new sentence: ''The Secretary shall authorize a reward of $50,000,000 for the capture or killing, or information leading to the capture or death, of Osama bin Laden.''.

(b) STATUS OF EFFORTS TO BRING OSAMA BIN LADEN AND OTHER LEADERS OF AL QAEDA TO JUSTICE.—

(1) REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall, in coordination with the Director of National Intelligence, jointly submit to Congress a report on the progress made in bringing Osama bin Laden and other leaders of al Qaeda to justice.

(2) ELEMENTS.—Each report under paragraph (1) shall include, current as of the date of such report, the following:

(A) An assessment of the likely current location of terrorist leaders, including Osama bin Laden, Ayman al-Zawahiri, and other key leaders of al Qaeda.

(B) A description of ongoing efforts to bring to justice such terrorist leaders, particularly those who have been directly implicated in attacks in the United States and its embassies.

(C) An assessment of whether the government of each country assessed as a likely location of top leaders of al Qaeda has fully cooperated in efforts to bring those leaders to justice.

(D) A description of diplomatic efforts currently being made to improve the cooperation of the governments described in subparagraph (C).

(E) A description of the current status of the top leadership of al Qaeda and the strategy for locating them and bringing them to justice.

(F) An assessment of whether al Qaeda remains the terrorist organization that poses the greatest threat to United States interests, including the greatest threat to the territorial United States.

(3) FORM OF REPORT.—Each report submitted to Congress under paragraph (1) shall be submitted in a classified form, and shall be accompanied by a report in unclassified form that redacts the classified information in the report.

SA 2506. Mr. NELSON of Nebraska (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 24, strike ''to be allocated'' and all that follows through ''3714)'' on line 26 and insert the following: ''of which, each State shall be allocated not less than 0.75 percent of the total amount appropriated in this paragraph, except that the Virgin Islands, America Samoa, Guam, and the Northern Mariana Islands each shall be allocated not less than 0.25 percent of the total amount appropriated in this paragraph''.

SA 2507. Mr. FEINGOLD submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, between after line 24, add the following:

SEC. 536. (a) STUDY ON IMPLEMENTATION OF VOLUNTARY PROVISION OF EMERGENCY SERVICES PROGRAM.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator of the Transportation Security Administration shall conduct a study on the implementation of the voluntary provision of emergency services program established pursuant to section 44944(a) of title 49, United States Code (referred to in this section as the ''program'').

(2) As part of the study required by paragraph (1), the Administrator shall assess the following:

(A) Whether training protocols established by air carriers and foreign air carriers include training pertinent to the program and whether such training is effective for purposes of the program.

(B) Whether employees of air carriers and foreign air carriers responsible for implementing the program are familiar with the provisions of the program.

(C) The degree to which the program has been implemented in airports.

(D) Whether a helpline or other similar mechanism of assistance provided by an air carrier, foreign air carrier, or the Transportation Security Administration should be established to provide assistance to employees of air carriers and foreign air carriers who are uncertain of the procedures of the program.

(3) In making the assessment required by paragraph (2)(C), the Administrator may make use of unannounced interviews or other reasonable and effective methods to test employees of air carriers and foreign air carriers responsible for registering law enforcement officers, firefighters, and emergency medical technicians as part of the program.

(4)(A) Not later than 60 days after the completion of the study required by paragraph (1), the Administrator shall submit to Congress a report on the findings of such study.

(B) The Administrator shall make such report available to the public by Internet web site or other appropriate method.

(b) PUBLICATION OF REPORT PREVIOUSLY SUBMITTED.—The Administrator shall make available to the public on the Internet web site of the Transportation Security Administration or the Department of Homeland Security the report required by section 554(b) of the Department of Homeland Security Appropriations Act, 2007 (Public Law 109–295).

(c) MECHANISM FOR REPORTING PROBLEMS.—The Administrator shall develop a mechanism on the Internet web site of the Transportation Security Administration or the Department of Homeland Security by which first responders may report problems with or barriers to volunteering in the program. Such mechanism shall also provide information on how to submit comments related to volunteering in the program.

(d) AIR CARRIER AND FOREIGN AIR CARRIER DEFINED.—In this section, the terms ''air carrier'' and ''foreign air carrier'' have the meaning given such terms in section 40102 of title 49, United States Code.

SA 2508. Mr. LIEBERMAN (for herself, Ms. COLLINS, and Mr. CARPER) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 35, line 15, strike ''costs.'' and insert the following: ''costs: *Provided further,* That of the total amount made available under this heading, $1,000,000 shall be to develop a web-based version of the National Fire Incident Reporting System that will ensure that fire-related data can be submitted and accessed by fire departments in real time.''.

On page 5, line 3, strike ''expenses.'' and insert the following: ''expenses: *Provided,* That the Director of Operations Coordination shall encourage rotating State and local fire service representation at the National Operations Center.''.

SA 2509. Mrs. MCCASKILL (for herself, Mr. OBAMA, Mr. PRYOR, Ms. LANDRIEU, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 5, line 20, before the period, insert the following: '': *Provided,* That the Inspector General shall investigate decisions made regarding, and the policy of the Federal Emergency Management Agency relating to, formaldehyde in trailers in the Gulf Coast region, the process used by the Federal Emergency Management Agency for collecting, reporting, and responding to health and safety concerns of occupants of housing supplied by the Federal Emergency Management Agency (including such housing supplied through a third party), and whether the Federal Emergency Management Agency adequately addressed public health and safety issues of households to which the Federal Emergency Management Agency provides disaster housing (including whether the Federal Emergency Management Agency adequately notified recipients of such housing, as appropriate, of potential health and safety concerns and whether the institutional culture of the Federal Emergency Management Agency properly prioritizes health and safety concerns of recipients of assistance from the Federal Emergency Management Agency), and submit a report to Congress relating to that investigation, including any recommendations''.

On page 35, line 15, before the period, insert the following: '': *Provided further,* That not later than 30 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall, as appropriate, update training practices for all customer service employees, employees in the Office of General Counsel, and other appropriate employees of the Federal Emergency Management Agency relating to addressing health concerns of recipients of assistance from the Federal Emergency Management Agency''.

On page 40, line 24, before the period, insert the following: '': *Provided further,* That not later than 15 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report detailing the actions taken as of that date, and any actions the Administrator will take, regarding the response of the Federal Emergency Management Agency to concerns over formaldehyde exposure, which shall include a description of any disciplinary or other personnel actions taken, a detailed policy for responding to any reports of potential health hazards posed by any materials provided by the Federal Emergency Management Agency (including housing, food, water, or other materials), and a description of any additional resources needed to implement such policy: *Provided further,* That the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall design a program to scientifically test a representative sample of travel trailers and mobile homes provided by the Federal Emergency Management Agency, and surplus travel trailers and mobile homes to be sold or transferred by the Federal government on or after the date of enactment of this Act, for formaldehyde and, not later than 15 days after the date of enactment of this Act, submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report regarding the program designed, including a description of the design of the testing program and the quantity of and conditions under which trailers and mobile homes shall be tested and the justification for such design of the testing: *Provided*

further, That in order to protect the health and safety of disaster victims, the testing program designed under the previous proviso shall provide for initial short-term testing, and longer-term testing, as required: *Provided further*, That not later than 45 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall, at a minimum, complete the initial short-term testing described in the previous proviso: *Provided further*, That, to the extent feasible, the Administrator of the Federal Emergency Management Agency shall use a qualified contractor residing or doing business primarily in the Gulf Coast Area to carry out the testing program designed under this heading: *Provided further*, That, not later than 30 days after the date that the Administrator of the Federal Emergency Management Agency completes the short-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether there are any health risks associated with the results and the nature of any such health risks, and detailing the plans of the Administrator of the Federal Emergency Management Agency to act on the results of the testing, including any need to relocate individuals living in the trailers or mobile homes provided by the Federal Emergency Management Agency or otherwise assist individuals affected by the results, plans for the sale or transfer of any trailers or mobile homes (which shall be made in coordination with the Administrator of General Services), and plans to conduct further testing: *Provided further*, That after completing longer-term testing under this heading, the Administrator of the Federal Emergency Management Agency, in conjunction with the head of the Office of Health Affairs of the Department of Homeland Security, the Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall submit to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate a report describing the results of the testing, analyzing such results, providing an assessment of whether any health risks are associated with the results and the nature of any such health risks, incorporating any additional relevant information from the shorter-term testing completed under this heading, and detailing the plans and recommendations of the Administrator of the Federal Emergency Management Agency to act on the results of the testing.

SA 2510. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Homeland Security shall improve the basic pilot program described in section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) to—

(1) respond to inquiries made by participating employers through the Internet to help confirm an individual's identity and determine whether the individual is authorized to be employed in the United States;

(2) maximize the reliability and ease of use of the basic pilot program by employers, while insulating and protecting the privacy and security of the underlying information;

(3) respond accurately to all inquiries made by employers on whether individuals are authorized to be employed in the United States;

(4) maintain appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

(5) allow for auditing the use of the system to detect fraud and identify theft, and to preserve the security of the information collected through the basic pilot program, including—

(A) the development and use of algorithms to detect potential identity theft, such as multiple uses of the same identifying information or documents;

(B) the development and use of algorithms to detect misuse of the system by employers and employees; and

(C) the development of capabilities to detect anomalies in the use of the basic pilot program that may indicate potential fraud or misuse of the program.

(b) COORDINATION WITH STATE GOVERNMENTS.—If use of an employer verification system is mandated by State or local law, the Secretary of Homeland Security, in consultation with appropriate State and local officials, shall—

(1) ensure that State and local programs have sufficient access to the Federal Government's Employment Eligibility Verification System and ensure that such system has sufficient capacity to—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(2) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

(c) RESPONSIBILITIES OF THE SOCIAL SECURITY ADMINISTRATION.—In order to prevent identity theft, protect employees, and reduce the burden on employers, the Commissioner of Social Security, in consultation with the Secretary of Homeland Security, shall—

(1) review the Social Security Administration databases and information technology to identify any deficiencies and discrepancies related to name, birth date, citizenship status, or death records of the social security accounts and social security account holders that are likely to contribute to fraudulent use of documents, identity theft, or affect the proper functioning of the basic pilot program;

(2) work to correct any errors identified under paragraph (1); and

(3) work to ensure that a system for identifying and promptly correcting such deficiencies and discrepancies is adopted to ensure the accuracy of the Social Security Administration's databases.

(d) RULEMAKING.—The Secretary is authorized, with notice to the public provided in the Federal Register, to issue regulations concerning operational and technical aspects of the basic pilot program and the efficiency, accuracy, and security of such program.

(e) FUNDING.—Of the amounts appropriated for border security under section 1003, $60,000,000 shall be used to carry out this section, including the expansion and base operations of the Employment Eligibility Verification Basic Pilot Program.

SA 2511. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC.—. OPERATION JUMP START.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, DEFENSE-WIDE ACTIVITIES.—The amount authorized to be appropriated for operation and maintenance for Defense-wide activities is hereby increased by $400,000,000 for the Department of Defense.

(b) AVAILABILITY OF AMOUNT.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for operation and maintenance for Defense-wide activities, as increased by subsection (a), $400,000,000 shall be available for Operation Jump Start in order to maintain a significant durational force of National Guard on the southern land border of the United States to assist the United States Border Patrol in gaining operational control of that border.

(2) SUPPLEMENT NOT SUPPLANT.—The amount available under paragraph (1) for the purpose specified in that paragraph is in addition to any other amounts available in this Act for that purpose.

SA 2512. Mrs. DOLE submitted an amendment intended to be proposed by her to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 16, line 17, insert ''*Provided further*, That of the total amount provided under this heading, at least $236,843,596 shall be used to increase, to the maximum extent possible, the number of detention beds available to accommodate aliens detained by the United States Border Patrol, and in acquiring such detention beds, the Secretary of Homeland Security shall consider the use of appropriate portions of military installations approved for closure or realignment under the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).''.

SA 2513. Mr. LIEBERMAN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. NATIONAL STRATEGY ON CLOSED CIRCUIT TELEVISION SYSTEMS.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) develop a national strategy for the effective and appropriate use of closed circuit television to prevent and respond to acts of terrorism, which shall include—

(A) an assessment of how closed circuit television and other public surveillance systems can be used most effectively as part of an overall terrorism preparedness, prevention, and response program, and its appropriate role in such a program;

(B) a comprehensive examination of the advantages and limitations of closed circuit television and, as appropriate, other public surveillance technologies;

(C) best practices on camera use and data storage;

(D) plans for coordination between the Federal Government and State and local governments, and the private sector—

(i) in the development and use of closed circuit television systems; and

(ii) for Federal assistance and support for State and local utilization of such systems;

(E) plans for pilot programs or other means of determining the real-world efficacy and limitations of closed circuit television systems;

(F) an assessment of privacy and civil liberties concerns raised by use of closed circuit television and other public surveillance systems, and guidelines to address such concerns; and

(G) an assessment of whether and how closed circuit television systems and other public surveillance systems are effectively utilized by other democratic countries in combating terrorism; and

(2) provide to the Committees on Homeland Security and Governmental Affairs, Appropriations, and the Judiciary of the Senate and the Committees on Homeland Security, Appropriations, and the Judiciary of the House of Representatives a report that includes—

(A) the strategy required under paragraph (1);

(B) the status and findings of any pilot program involving closed circuit televisions or other public surveillance systems conducted by, in coordination with, or with the assistance of the Department of Homeland Security up to the time of the report; and

(C) the annual amount of funds used by the Department of Homeland Security, either directly by the Department or through grants to State, local, or tribal governments, to support closed circuit television and the public surveillance systems of the Department, since fiscal year 2004.

(b) CONSULTATION.—In preparing the strategy and report required under subsection (a), the Secretary of Homeland Security shall consult with the Attorney General, the Chief Privacy Officer of the Department of Homeland Security, and the Officer for Civil Rights and Civil Liberties of the Department of Homeland Security.

SA 2514. Ms. CANTWELL (for herself and Ms. SNOWE) submitted an amendment intended to be proposed to amendment SA 2638 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 22, beginning in line 17, strike ''*Provided,*'' and insert ''*Provided,* That no funds shall be available for procurements related to the acquisition of additional major assets as part of the Integrated Deepwater Systems program not already under contract until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,* That no funds contained in this Act shall be available for procurement of the third National Security Cutter until an Alternatives Analysis has been completed by an independent qualified third party: *Provided further,*''.

SA 2515. Mrs. FEINSTEIN (for herself, Mr. MARTINEZ, Mrs. BOXER, and Mr. NELSON of Florida) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds made available to the U.S. Customs and Border Protection may be expended or obligated to compensate personnel in the position of Agricultural Specialist to perform work that is not related to agricultural inspection, agricultural pest interception, or other duties germane to the mission of agricultural inspection.

SA 2516. Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. MARTINEZ, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

SECTION 1. BORDER SECURITY REQUIREMENTS FOR LAND AND MARITIME BORDERS OF THE UNITED STATES.

(a) OPERATIONAL CONTROL OF THE UNITED STATES BORDERS.—Notwithstanding any provision in this Act, the President shall ensure that operational control of all international land and maritime borders is achieved.

(b) ACHIEVING OPERATIONAL CONTROL.—The Secretary of Homeland Security shall establish and demonstrate operational control of 100 percent of the international land and maritime borders of the United States, including the ability to monitor such borders through available methods and technology.

(1) STAFF ENHANCEMENTS FOR BORDER PATROL.—The United States Customs and Border Protection Border Patrol may hire, train, and report for duty additional full-time agents. These additional agents shall be deployed along all international borders.

(2) STRONG BORDER BARRIERS.—The United States Customs and Border Protection Border Patrol may:

(A) Install along all international borders of the United States vehicle barriers;

(B) Install along all international borders of the United States ground-based radar and cameras; and

(C) Deploy for use along all international borders of the United States unmanned aerial vehicles, and the supporting systems for such vehicles;

(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, 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) and (2).

(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.

SEC. 2. APPROPRIATIONS FOR SECURING LAND AND MARITIME BORDERS OF THE UNITED STATES.

Any funds appropriated under this Act shall be used to ensure operational control is achieved for all international land and maritime borders of the United States.

SA 2517. Mr. GRASSLEY (for himself, Mr. THUNE, Mr. VITTER, Mr. COBURN, Mr. CRAPO, Mr, HAGEL, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, line 24, after ''House of Representatives'' insert ''and any Member of Congress representing any affected State or district''.

SA 2518. Mr. KYL (for himself, Mr. MARTINEZ) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. IMPROVEMENTS TO THE EMPLOYMENT ELIGIBILITY VERIFICATION BASIC PILOT PROGRAM.

Of the amounts appropriated for border security and employment verification improvements under section 1003, $60,000,000 shall be made available to—

(1) ensure that State and local programs have sufficient access to, and are sufficiently coordinated with, the Federal Government's Employment Eligibility Verification System;

(2) ensure that such system has sufficient capacity to—

(A) register employers in States with employer verification requirements;

(B) respond to inquiries by employers; and

(C) enter into memoranda of understanding with States to ensure responses to subparagraphs (A) and (B); and

(3) develop policies and procedures to ensure protection of the privacy and security of personally identifiable information and identifiers contained in the basic pilot program, including appropriate privacy and security training for State employees.

SA 2519. Mr. OBAMA (for himself, Mr. COBURN, Mr. CASEY, and Mr. DURBIN) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, insert the following:

SEC. 536. None of the funds appropriated or otherwise made available by this Act may be

used to enter into a contract in an amount greater than 5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no unpaid Federal tax assessments, that the contractor or grantee has entered into an installment agreement or offer in compromise that has been accepted by the IRS to resolve any unpaid Federal tax assessments, or, in the case of unpaid Federal tax assessments other than for income, estate, and gift taxes, that the liability for the unpaid assessments is the subject of a non frivolous administrative or judicial appeal. For purposes of the preceding sentence, the certification requirement of part 52.209-5 of the Federal Acquisition Regulation shall also include a requirement for a certification by a prospective contractor of whether, within the three-year period preceding the offer for the contract, the prospective contractor—

(1) has or has not been convicted of or had a civil judgment or other judicial determination rendered against the contractor for violating any tax law or failing to pay any tax;

(2) has or has not been notified of any delinquent taxes for which the liability remains unsatisfied; or

(3) has or has not received a notice of a tax lien filed against the contractor for which the liability remains unsatisfied or for which the lien has not been released.

SA 2520. Mrs. DOLE submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 24, add the following:

SEC. 536. DISASTER RELIEF FUND.

Notwithstanding any other provision of this Act, funds appropriated under this Act for the Disaster Relief Fund may only be used for programs and activities authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122 et seq.).

SA 2521. Mr. ROBERTS (for himself and Ms. BROWNBACK) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) In this section:

(1) The term ''covered funds'' means funds provided under section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) to a State that submits an application under that section not earlier than May 4, 2007, for a national emergency grant to address the effects of the May 4, 2007, Greensburg, Kansas tornado.

(2) The term ''professional municipal services'' means services that are necessary to facilitate the recovery of Greensburg, Kansas from that tornado, and necessary to plan for or provide basic management and administrative services, which may include—

(A) the overall coordination of disaster recovery and humanitarian efforts, oversight, and enforcement of building code compliance, and coordination of health and safety response units; or

(B) the delivery of humanitarian assistance to individuals affected by that tornado.

(b) Covered funds may be used to provide temporary public sector employment and services authorized under section 173 of such Act to individuals affected by such tornado, including individuals who were unemployed on the date of the tornado, or who are without employment history, in addition to individuals who are eligible for disaster relief employment under section 173(d)(2) of such Act.

(c) Covered funds may be used to provide professional municipal services for a period of not more than 24 months, by hiring or contracting with individuals or organizations (including individuals employed by contractors) that the State involved determines are necessary to provide professional municipal services.

(d) Covered funds expended under this section may be spent on costs incurred not earlier than May 4, 2007.

SA 2522. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. 536. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

If the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence to conduct research and education activities, and to develop or provide professional security training, including the training of transportation employees and transportation professionals, the Mineta Transportation Institute at San Jose State University shall be included as a member institution of such Center.

SA 2523. Mr. KERRY (for himself and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. EXPEDITED ADJUDICATION OF EMPLOYER PETITIONS FOR ALIENS WITH EXTRAORDINARY ARTISTIC ABILITY.

(a) SHORT TITLE.—This section may be cited as the ''Arts Require Timely Service Act'' or the ''ARTS Act''.

(b) AMENDMENT.—Section 214(c) of the Immigration and Nationality Act (8 U.S.C. 1184(c)) is amended—

(1) by striking ''Attorney General'' each place it appears and inserting ''Secretary of Homeland Security''; and

(2) in paragraph (6)(D)—

(A) by striking ''(D) Any person'' and inserting the following:

''(D)(i) Except as provided under clause (ii), any person''; and

(B) by adding at the end the following:

''(ii) The Secretary of Homeland Security shall adjudicate each petition for an alien who has extraordinary ability in the arts (as described in section 101(a)(15)(O)(i)), an alien accompanying such an alien (as described in clauses (ii) and (iii) of section 101(a)(15)(O)), or an alien described in section 101(a)(15)(P) not later than 30 days after—

''(I) the date on which the petitioner submits the petition with a written advisory opinion, letter of no objection, or request for a waiver; or

''(II) the date on which the 15-day period described in clause (i) has expired, if the petitioner has had an appropriate opportunity to supply rebuttal evidence.

''(iii) If a petition described in clause (ii) is not adjudicated before the end of the 30-day period described in clause (ii) and the petitioner is a qualified nonprofit organization or an individual or entity petitioning primarily on behalf of a qualified nonprofit organization, the Secretary of Homeland Security shall provide the petitioner with the premium-processing services referred to in section 286(u), without a fee.''.

SA 2524. Mr. COLEMAN (for himself and Mr. ALLARD, Ms. KLOBUCHAR, and Mr. SALAZAR) submitted an amendment intended to be proposed to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the bill, insert the following:

SEC. ____. Of amounts appropriated under section 1003, $100,000,000, with $50,000,000 each to the Cities of Denver, Colorado, and St. Paul, Minnesota, shall be available for State and local law enforcement entities for security and related costs, including overtime, associated with the Democratic National Conventional and Republican National Convention in 2008. Amounts provided by this section are designated as an emergency requirement pursuant to section 204 of S. Con. Res. 21 (110th Congress).

SA 2525. Ms. LANDRIEU proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. EVACUATION AND SHELTERING.

(a) REGIONAL EVACUATION AND SHELTERING PLANS.—

(1) IN GENERAL.—Not later than 360 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency, in coordination with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, States, local governments, and appropriate nongovernmental organizations, shall develop and submit to Congress, regional evacuation and sheltering plans that—

(A) are nationally coordinated;

(B) incorporate all appropriate modes of transportation, including interstate rail, commercial rail, commercial air, military air, and commercial bus;

(C) clearly define the roles and responsibilities of Federal, State, and local governments in the evacuation plan; and

(D) identify regional and national shelters capable of housing evacuees and victims of an emergency or major disaster in any part of the United States.

(2) IMPLEMENTATION.—After developing the plans described in paragraph (1), the Administrator of the Federal Emergency Management Agency and the head of any Federal

agency with responsibilities under those plans shall take necessary measures to be able to implement those plans, including conducting exercises under such plans as appropriate.

(b) NATIONAL SHELTERING DATABASE.—The Administrator of the Federal Emergency Management Agency, in coordination with States, local governments, and appropriate nongovernmental entities, shall develop a national database inventorying available shelters, that can be shared with States and local governments.

(c) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—The Administrator of the Federal Emergency Management Agency, in consultation with the heads of appropriate Federal agencies with responsibilities under the National Response Plan or any successor plan, shall conduct an analysis comparing the costs, benefits, and health and safety concerns of evacuating individuals with special needs during an emergency or major disaster, as compared to the costs, benefits, and safety concerns of sheltering such people in the area they are located when that emergency or major disaster occurs.

(2) CONSIDERATIONS.—In conducting the analysis under paragraph (1), the Administrator of the Federal Emergency Management Agency shall consider—

(A) areas with populations of not less than 20,000 individual needing medical assistance or lacking the ability to self evacuate;

(B) areas that do not have an all hazards resistance shelter; and

(C) the health and safety of individuals with special needs.

(3) TECHNICAL ASSISTANCE.—The Administrator of the Federal Emergency Management Agency shall, as appropriate, provide technical assistance to States and local governments in developing and exercising evacuation and sheltering plans, which identify and use regional shelters, manpower, logistics, physical facilities, and modes of transportation to be used to evacuate and shelter large groups of people.

(d) DEFINITIONS.—In this section, the terms ''emergency'' and ''major disaster'' have the meanings given those terms in section 102 of ther Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122).

SA 2526. Ms. COLLINS (for herself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2338 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert:

Of the funds provided under this Act or any other Act to United States Citizenship and Immigration Services, not less than $1,000,000 shall be provided for a benefits fraud assessment of the H–1B Visa Program.

SA 2527. Mrs. MURRAY (for Ms. LANDRIEU) proposed an amendment to amendment SA 2383 proposed by Mr. BYRD (for himself and Mr. COCHRAN) to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; as follows:

On page 69, after line 24, add the following:

SEC. 536. IN-LIEU CONTRIBUTION.

The Administrator of the Federal Emergency Management Agency shall authorize a large in-lieu contribution under section 406(c)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)) to the Peebles School in Iberia Parish, Louisiana for damages relating to Hurricane Katrina of 2005 or Hurricane Rita of 2005, notwithstanding section 406(c)(1)(C) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(c)(1)(C)).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, July 26, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to explore U.S. readiness for and the consumer impact of the nationwide transition from analog television broadcasting to digital television broadcasting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Thursday, July 26, 2007 at 10 a.m., in room 406 of the Dirksen Senate Office Building in order to conduct a hearing entitled, ''Examining the Case for the California Waiver: An Update from EPA.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, July 26, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The hearing will focus on proposed efforts to improve the safety of the Nation's railroads through targeting highway-rail grade crossing safety, reducing employee hours of service and fatigue, and developing and using new rail safety technology.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance meet during the session of the Senate on Thursday, July 26, 2007, at 3 p.m., in room 215 of the Dirksen Senate Office Building, to consider S. 1607, the ''Currency Exchange Rate Oversight Reform Act of 2007,'' with a substitute amendment, and to consider favorably reporting pending nominees who have responded to all written questions and been cleared by both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, 2007, at 9:30 a.m. to hold a hearing on Extraordinary Rendition.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 26, 2007, at 2:30 p.m. to hold a hearing on the United Nations Human Rights Council.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session during the session of the Senate on Thursday, July 26, 2007 at 9:30 a.m. in SR–325. We will be considering the following:

Agenda

1. S. 625, Family Smoking Prevention and Tobacco Control Act
2. S. 1183, Christopher and Dana Reeve Paralysis Act
3. S. 579, Breast Cancer and Environmental Research Act of 2007
4. S. 898, Alzheimer's Breakthrough Act of 2007
5. S. 1858, Newborn Screening Saves Lives Act of 2007
6. The following nominations:

Diane Auer Jones, of Maryland, to be Assistant Secretary for Postsecondary Education, Department of Education

David C. Geary, of Missouri, to be a Member of the Board of Directors of the National Board for Education Sciences

Miguel Campaneria, of Puerto Rico, to be a Member of the National Council on the Arts

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet Thursday, July 26, 2007, at 9:30 a.m. in room 485 of the Russell Senate Office Building to conduct a hearing on the nomination of Charles W. Grim to be Director of the Indian Health Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. MURRAY. Mr. President I ask uanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a markup on Thursday, July 26, 2007, at 10 a.m. in SD–226.

Agenda

I. Bills: S.——, School Safety and Law Enforcement Improvements Act

(Chairman's mark); S. 1060, Recidivism Reduction & Second Chance Act of 2007 (Biden, Specter, Brownback, Leahy, Kennedy, Schumer, Whitehouse, Durbin); S. 453, Deceptive Practices and Voter Intimidation Prevention Act of 2007 (Obama, Schumer, Leahy, Cardin, Feingold, Feinstein, Kennedy, Whitehouse); and S. 1692, A bill to grant a Federal Charter to Korean War Veterans Association (Cardin, Isakson, Kennedy).

II. Nomination: Rosa Emilia Rodriguez-Velez to be United States Attorney for the District of Puerto Rico.

The PRESIDING OFFICER. Without objection,it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 26, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON WATER AND POWER

Mrs. MURRAY. 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 Thursday, July 26, 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 following bills: S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities; S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado; S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and for other purposes; and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Jeffrey Watters, a fellow in Senator CANTWELL's office, be given floor privileges for the duration of the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 30, 2007

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m., Monday, July 30; that on Monday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business until 3 p.m. with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 3 p.m., the Senate resume consideration of the motion to proceed to H.R. 976, and that the time until 5:30 p.m. be equally divided and controlled between the Chair and ranking member of the Finance Committee or their designees; that at 5:30 p.m., without further intervening action or debate, the Senate proceed to vote on the motion to invoke cloture on the motion to proceed to H.R. 976.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ADJOURNMENT UNTIL MONDAY, JULY 30, 2007, at 2 P.M.

Mr. LIEBERMAN. Mr. President, if there is no further business this morning, I wish everyone within hearing a good morning and ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:29 a.m., adjourned until Monday, July 30, 2007, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate July 26, 2007:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BENJAMIN ERIC SASSE, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES, VICE MICHAEL O'GRADY, RESIGNED.

DEPARTMENT OF STATE

BARRY LEON WELLS, OF OHIO, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

MARK M. BOULWARE, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

EXTENSIONS OF REMARKS

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services; and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mrs. BOYDA of Kansas. Madam Chairman, I have heard concerns about the Cincinnati area's Planned Parenthood Clinic's alleged mishandling of claims of abuse. This is an ongoing legal process, and we must wait for the verdict before determining the truth of the claim. As a mother, I can only imagine how difficult this time must be for the young woman.

Planned Parenthood of Kansas and Mid-Missouri states in their mission that they are "committed to providing confidential, affordable reproductive health care to all individuals, regardless of their ability to pay." Planned Parenthood provides a wide array of basic health care services to both women and men. They offer cancer screening for women and men—we know that early detection can help people fight and win their battle with cancer. They provide confidential screenings for sexually transmitted diseases so that people can get treatment and prevent the further spread of disease. They offer counseling for women going through menopause on what to expect and what types of treatment they could consider. They diagnose infertility problems for women and men trying to build a family. They also conduct workshops for parents and youth to discuss topics related to sexuality. The workshops build self-esteem, promote a positive body image and build communication skills. They also offer a workshop called "choices and consequences" that helps youth understand what abstinence means. In the workshop, youth and Planned Parenthood advisors work together to identify the skills and knowledge that someone needs to use abstinence effectively.

Despite the numerous types of health care services provided, Planned Parenthood is best known for assistance in family planning. To be clear, Planned Parenthood cannot use any of its Federal funding to perform abortions. The family planning services they provide are critical for women's health. Women depend on contraceptives for better health to regulate their menstrual cycles and treat endometriosis. Access to family planning services helps prevent unintended pregnancy and helps in the timing of planned births. If women can control when they become pregnant, we can significantly reduce the number of abortions—a goal I believe we should all support.

Planned Parenthood's services are confidential, and perhaps more importantly, affordable. They provide basic health care to many of my constituents who might not otherwise be able to afford it. In 2005, Planned Parenthood served 13,601 Kansans. I will continue to support funding for health care for my constituents.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. LAMPSON. Madam Speaker, as you heard, Congresswoman BIGGERT and I had planned to offer an amendment today that would have designated $34 million for the National Center for Missing and Exploited Children. However, we weren't able to do so, because $34 million exceeds the Center's current authorization.

This gives me an opportunity to discuss the importance of the work of the National Center and the need for increasing funding for the center.

Since its creation in 1984, the center has played a critical role in locating and protecting children. The center is a primary component of the Missing and Exploited Children's Program and employs over 300 employees at its Alexandria, VA headquarters and regional offices in California, Florida, Kansas, New York, and South Carolina. These regional offices provide case management and technical support in their geographic areas. An Austin, TX office is scheduled to open this summer.

The Center provides activities and services concerning (1) missing children, including those abducted to or from the United States; (2) exploited children; (3) training and technical assistance; (4) families of missing children; and (5) partnerships with State clearinghouses, the private sector, and children's organizations. In addition to funding through the missing and exploited children's program, the center is funded through contributions and the United States Secret Service, pursuant to Public Law 103–322.

As two of the four cochairs of the Congressional Missing and Exploited Children's Caucus, we hope that our colleagues will join us in cosponsoring H.R. 2517, the Protecting Our Children Comes First Act of 2007, to reauthorize the center from 2008 through 2013. Authorization for appropriations for the center, under our bill, would increase from $20 million to $50 million, while funding for the Missing and Exploited Children program would remain constant.

Again, the importance of the work performed by folks at the National Center cannot be underestimated.

INTRODUCTION OF THE "ARAPAHO-ROOSEVELT NATIONAL FOREST LAND EXCHANGE ACT OF 2007"

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the "Arapaho-Roosevelt National Forests Land Exchange Act of 2007".

This bill will facilitate a fair exchange of lands on the Arapaho-Roosevelt National Forest near Boulder, CO, between the Forest Service and the Sugar Loaf Fire District. The Fire District is seeking this exchange so that they can maintain and upgrade their fire stations serving the Sugar Loaf community and other nearby communities and properties—areas that are in the wildland/urban interface and thus at risk of wildfires. In fact, these fire stations serve the area that was burned in the Black Tiger Fire in 1989. That fire was the motivation for the Sugar Loaf community to invest more strongly in fire protection. The Fire District has grown a lot over the years, and will be celebrating its 40th anniversary this August.

The bill relates to two fire stations. Station 1 was acquired by the Fire District through an original mining claim under the 1872 mining laws. In 1967, a public meeting was held on this property to establish a fire district and modify the old school building on the site into a firehouse to hold a fire truck and other firefighting equipment. On May 14, 1969, the U.S. Forest Service approved a special use permit, which allowed the fire department to use both the firehouse and approximately 5 acres of the property under it. The special use permit was reissued on August 11, 1994, with a life of 10 years.

In 1970, the fire department applied for a special use permit to operate and maintain a second firehouse—station 2—on Sugar Loaf Road. The original permit was approved on in 1970, and had an expiration date of December 31, 1991. The permit boundary included 2 acres.

The special use permit issued in 1994 combined the two permits for stations 1 and 2 into one. The new permit for station 2 reduced the permit area to one acre, because the area of impact and existing improvements did not exceed one acre.

The Fire District entered into discussions with the Forest Service about a land swap. In August 1997, the Fire District filed an application to acquire the property under stations 1 and 2 pursuant to the Small Tracts Act (STA). The STA allows for transfers of small mineral fractions by the sale of property for market

value, or by the exchange of properties of nearly equal value. The application proposed trading a mining claim surrounded by National Forest, for approximately 3 acres under station 1 and 1.5 acres under station 2.

The Fire District worked in good faith to comply with the STA. In November 2002, officials from the Fire District met with officials from the Forest Service. Upon review of the STA application, the Forest Service's concluded that the parcel under station 2 did not qualify for a land exchange and that the Fire District would have to pursue a new special use permit for the property under station 2. As a result, the Fire District is interested in securing ownership of the land under these stations through this exchange legislation.

The Fire District has occupied and operated these fire stations on these properties for over 30 years, and, if they can secure ownership, the lands will continue to be used as sites for fire stations. The Fire District has made a strong, persistent, good faith effort to acquire the land under the stations through administrative means and has demonstrated its sincere commitment to this project by expending its monetary resources and the time of its staff to satisfy the requirements set forth by the Forest Service.

However, those efforts have not succeeded and it has become evident that legislation is required to resolve the situation.

The Fire District is willing to trade the property it owns for the property under the stations. However, the Fire District is firm in its position that it wants land under both stations, and that the amount of land must be adequate to satisfy both its current and anticipated needs.

Under the bill, the land exchange will proceed if the Fire District offers to convey acceptable title to a specified parcel of land amounting to about 5.17 acres in an unincorporated part of Boulder County within National Forest boundaries between the communities of Boulder and Nederland. In return, the land—about 5.08 acres—where the two fire stations are located will be transferred to the Fire District.

The lands transferred to the Federal government will become part of the Arapaho-National Forest and managed accordingly.

The bill provides that the Forest Service shall determine the values of all lands involved through appraisals in accordance with Federal standards. If the lands conveyed by the Fire District are not equal in value to the lands where the fire stations are located, the Fire District will make a cash payment to make up the difference. If the lands being conveyed to the Federal government are worth more than the lands where the fire stations are located, the Forest Service can equalize values by reducing the lands it receives or by paying to make up the difference or by a combination of both methods. The bill requires the Fire District to pay for the appraisals and any necessary land surveys.

The bill permits the Fire District to modify the fire stations without waiting for completion of the exchange if the Fire District holds the Federal government harmless for any liability arising from the construction work and indemnifies the Federal government against any costs related to the construction or other activities on the lands before they are conveyed to the Fire District.

Madam Speaker, this is a relatively minor bill but one that is important to the Fire District and the people it serves. I think it deserves enactment without unnecessary delay.

IN SPECIAL RECOGNITION OF JIM ''BO'' BOWMAN ON HIS RETIREMENT FROM THE U.S. AIR FORCE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. GILLMOR. Madam Speaker, it is my great pleasure to pay special tribute to Mr. Jim ''Bo'' Bowman—a good friend to me and to many of our colleagues—who is retiring after nearly 50 years in various capacities at the United States Air Force Academy.

Jim Bowman's career and the history of the Air Force Academy athletics, in many ways, is one and the same. He has witnessed 49 graduating classes. During his tenure at the Air Force Academy, he has worked with 16 Superintendents, 22 Commandants of Cadets, 8 Deans of the Faculty, 8 Directors of Intercollegiate Athletics, 10 Directors of Admissions, and hundreds of coaches and assistant coaches.

Jim's contributions to our great country and to the preeminent Air Force in the world will be felt for decades to come, through the future accomplishments of more than 14,000 cadet student athletes who received appointments to the Academy with his assistance.

Service academy life is as difficult as it is rewarding. Four years of stringent academic work intertwined with the demands of intercollegiate athletic competition, followed by a 5 year service commitment can be an ominous choice for a high school student. Jim Bowman's mentorship began at first contact with these candidates. His honesty and integrity would not permit him to sugar-coat the challenge he offered to these young men and women.

As physical education instructor, as coach and as Associate Athletic Director, Jim Bowman used the discipline and competitive spirit of athletics to inspire character in the face of adversity, personal development, and ultimately, lives dedicated to national service.

Jim Bowman's positive impact on the lives of those who are privileged to know him cannot be overstated. His life's work is the embodiment of the Air Force core values of: Integrity first, Service before self, and Excellence in all we do.

Madam Speaker, few people can claim the title of ''legend.'' Jim Bowman's work in identifying, mentoring and encouraging the past, present and future leaders of the United States Air Force has earned him that title for as long as Air Force Academy cadets engage in intercollegiate athletic competition.

I ask each of my colleagues to join me in wishing Jim and his wonderful wife, Mae, many years of good health and much happiness as they begin this exciting new chapter in the their lives together.

INTRODUCTION OF THE WHISTLEBLOWER RECOVERY ACT OF 2007

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing the Whistleblower Recovery Act of 2007.

This bill is in response to a recent U.S. Supreme Court decision involving a claim under the False Claims Act by Mr. James Stone, who had worked at Rocky Flats when that Colorado site was a nuclear weapons facility of the Department of Energy.

The decision not only denied his claim but also interpreted the law in a way that had the effect of narrowing the definition of potential ''whistleblowers.'' To correct this narrow interpretation, this bill would make it clear that potential ''whistleblowers'' can include those who divulge knowledge of an alleged wrongdoing—even though such a whistleblower may not have had knowledge of the direct way in which the wrongdoing progressed—as long as the ''whistleblower'' disclosed the allegation and that the wrongdoing would not have been discovered and fines assessed were it not for the disclosure of the whistleblower.

The False Claims Act, codified in title 31, United States Code, was established to encourage the disclosure of wrongdoing by Federal agencies or those contracting with or otherwise working on behalf of Federal agencies by allowing so-called ''whistleblowers'' to recover a portion of any awards recovered from judicial proceedings from such disclosures.

On March 27, 2007, the United States Supreme Court, in Rockwell International Corp. v. United States, ruled Mr. Stone, a former employee at the Rocky Flats nuclear weapons plant of the United States Department of Energy, was not entitled to recovery under the False Claims Act regarding the failure of a component of the cleanup of this site.

The Court found that even though Mr. Stone was an ''independent source'' of allegations regarding the failure of the cleanup activity—and of the public disclosure of those allegations—he could not recover because he did not have direct knowledge of the precise way that the failure occurred and was determined at trial. As a result, the Court concluded that it did not have jurisdiction to determine whether Mr. Stone was entitled to recovery.

The Court's ruling may have the undesired effect of discouraging ''whistleblowers'', as it could make it harder for them to gain access to the Court in order to prove that they may be entitled to recovery as an ''original source'' under the False Claims Act. By requiring that purported ''whistleblowers'' must know of the precise way in which an allegation or transaction of wrongdoing occurs, the Court set a high and potentially insurmountable hurdle for ''whistleblowers'' to meet.

In the best interest of public policy—and to encourage people to come forward and disclose allegations of wrongdoing—it's necessary to make it clear that ''whistleblowers'' need only have direct knowledge of the public disclosure of the allegations or transactions and not of the precise way in which the wrongdoing occurs.

In other words, if an action would not have been brought and an award granted under the

False Claims Act but for the public disclosures of the "whistleblower," that "whistleblower" should be allowed an award under the False Claims Act.

Madam Speaker, this bill cannot help Mr. Stone. Not only did he lose his legal effort to recover as a "whistleblower," regrettably, he died shortly after the Supreme Court issued its decision in his case. A short obituary from the Rocky Mountain News appears below.

But the bill's purpose is to properly respect and encourage the efforts of "whistleblowers" like Mr. Stone who call out possible fraud, waste and abuse of taxpayer money. We should not find ways to keep them from the courthouse door, but rather should find ways to keep that door open—and even responsibly widen it—so that "whistleblowers" can have their day in court and seek the compensation they deserve. This bill will help in that regard, and it is a fitting way to remember and honor the courageous efforts of Mr. Stone and others like him.

[From the Rocky Mountain News, Apr. 12, 2007]

ROCKY FLATS WHISTLE-BLOWER DIES AT 82

JAMES STONE RECENTLY LOST BID FOR $1 MILLION

(By Laura Frank and Ann Imse)

James Stone was an engineer to the core. And that made it impossible for him to leave a problem until it was solved.

His hardscrabble life in a Depression-era orphanage and his hard-won engineering degree led to his career-defining challenge: being the chief whistle-blower on environmental crimes at the Rocky Flats nuclear weapons site near Denver.

"He would work on a problem round the clock," son Bob said. "That's what got him in trouble at Rocky Flats. He wanted to solve the problems, not ignore them."

Stone, who suffered from Alzheimer's, died Wednesday at the Julia Temple Center in Englewood. He was 82.

Stone, who worked at Rocky Flats from 1980 to 1986, was the first Flats insider to go to the FBI with details of the radioactive pollution released by the site contractor, Rockwell International.

Rockwell pleaded guilty to 10 environmental crimes and paid $18.5 million in fines.

Stone filed a whistle-blower fraud case against Rockwell and won $4.2 million in damages for the federal government. Just two weeks ago, after an 18-year fight, the U.S. Supreme Court denied him a $1 million share in those damages.

"He died with nothing more than the clothes on his back and the love of his family and friends," Bob Stone said. "I know if he had it to do all over again, even knowing how it turned out, he would have done it just the same."

Stone was born in 1924. His parents couldn't afford to keep him during the Depression, his son said, so he went to a Catholic orphanage in St. Louis. As a young teen, a family with a coal business took him in.

Barred from World War II because of a hearing problem, he worked on engineering jobs in Alaska, on the Air Force Academy chapel and on the Brown Palace heating system. He worked on missile silos in Idaho and Wyoming, and surveyed a pipeline across Greenland. He also invented a sewage treatment system for rural mountain homes and a municipal trash incinerator.

Stone helped design Rocky Flats before it opened in 1952, and he warned against the location "because Denver was downwind a few miles away," said his longtime attorney and friend Hartley Alley.

Jon Lipsky, the FBI agent who led the 1989 raid on Rocky Flats, said Stone "was the first one who worked at the plant to talk to me."

Stone's job was to identify problems at the plant and recommend solutions. So he was able to give the FBI a road map, Alley said.

Alley said Stone was the source of a key allegation in the FBI search warrant—that Rockwell was incinerating radioactive waste in secret at night. That charge was dropped when Rockwell settled the criminal case, and prosecutors said it wasn't true. But Alley says he had two other clients who witnessed it.

Stone's motivation for filing the whistleblower lawsuit in 1989 was patriotic, Alley said. "He felt the people who operated Rocky Flats in the 1980s were guilty of treason" by building nuclear weapons that wouldn't explode, Alley said.

In the fraud suit, Stone alleged that Rockwell was defrauding the government by taking money for building faulty weapons while polluting the environment. Proving faulty production was impossible because the evidence was classified, Alley said.

Jim Stone "wasn't afraid of jumping into anything," his son said. "The world is a better place with people like him."

Stone is survived by his wife Virginia, sons Bob, of Lakewood, and Randy, of Wheat Ridge, five grandchildren and 13 great-grandchildren. He was preceded in death by his eldest son, James Stone Jr.

TRIBUTE TO BRUNA MICHAUX

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor Bruna Michaux for her 43 years of service to the City of Buffalo. Ms. Michaux has provided exemplary service to the city and has consistently demonstrated leadership and notable dedication and professionalism to the Department of Assessment and Taxation.

I would like to briefly touch on the many areas of service that Bruna has been involved with since she was hired by the city in 1964 as a stenographer in the audit department. As a senior tax administrator from 1977 to 1987, she initiated and implemented significant changes to the internal structure of the Tax Division that have ultimately resulted in improved service to the public.

Bruna always fulfilled her duties with integrity and upheld standards in the community. After urging city officials that Buffalo wasn't holding property owners responsible for unpaid taxes, Bruna was able to take part in the creation of the city's first property foreclosure auction in March 1981. This accomplishment greatly helped to facilitate and increase tax collections. Five years later in 1986, Bruna had an integral role in getting the city committed to a reassessment process that mandates each parcel is reviewed every 6 years. The reassessment process corrects inequities in tax assessments.

Bruna also served as director of parking enforcement from 1987 until 1994, a position that her father had held years earlier. As in all other roles, Bruna held the position with dignity and commitment.

Ms. Michaux eventually returned to the Department of Assessment and Taxation in January of 1994. In 2003, she was named commissioner, and since then has continued to promote public trust and maintain the professionalism and integrity of the department.

Madam Speaker, I am proud to say that the City of Buffalo is a better place thanks to the years of selfless commitment and sense of justice brought forth by Bruna Michaux. I ask that you join me in applauding Bruna for her great accomplishments while serving the City and wish her the best of luck in her retirement.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mr. SHERMAN. Mr. Chairman, I supported the Hunter/Kaptur amendment because we should not be funding the Security and Prosperity Partnership until the White House tells us what it is and what their plans are. The Security and Prosperity Partnership of North America website says that its goals are about eliminating red tape and increasing security. Those are noble goals. But unless the White House is willing to tell us what they really have in mind, we shouldn't have them spend money on it.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3074) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mr. CONYERS. Mr. Chairman, I rise in support of H.R. 3074, the Fiscal Year 2008 Department of Transportation and Housing and Urban Development Appropriations Bill. My colleagues, I think that it is incredibly appropriate that we are here talking about housing today. Forty years ago this week, whole sections of Detroit were engulfed in flames and 43 people died amid 6 days of gunfire, looting and chaos. While there were many reasons for this unrest, one of the biggest was lack of quality, affordable housing; while affordable housing continues to be one of our nation's most pressing problems, H.R. 3074 makes a number of significant strides in improving the status quo.

Despite the President's desire to cut Section 8 tenant-based vouchers and possibly force

up to 80,000 families and individuals on the street, this appropriation legislation includes an increase in funding of $330 million for tenant-based vouchers and nearly $667 million for projected-based vouchers in order to renew all current Section 8 vouchers, so no one who has a tenant-based voucher will lose it. In addition, included within this amount is $30 million for 4,000 new, targeted vouchers for homeless veterans and for non-elderly people with disabilities.

Once again this year the President's budget proposed eliminating the HOPE VI program, the highly successful program that revitalizes distressed and obsolete public housing projects. Instead, by providing $120 million, $21 million over 2007, Congress has ensured that HOPE VI projects will continue to help transform and revitalize communities across the United States.

Finally, by allocating $64.5 billion to the Department of Transportation, H.R. 3074 will safeguard the regional needs of our Nation and invest in transit projects for urban areas to help commuters save time and money getting to work. The bill likewise rejects the President's deep cuts to AMTRAK, protecting our national passenger rail system, and it fully funds the highway and transit guarantees set in the SAFETEA–LU authorization bill.

With final passage of this bill today, we in the House of Representatives will be addressing the important challenges of keeping our Nation's transportation system safe and strong, ensuring that every American has adequate shelter, and doing so in a way that strengthens the economy.

LIVING WORD MINISTRIES INTERNATIONAL

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. LAMBORN. Madam Speaker, I rise today to recognize the significant contributions made by the Living Word Ministries International Church under the leadership of Bishop John Brannon to the Colorado Springs community. As they near their 4-year anniversary on August 27, 2007, I commend Bishop Brannon and his congregation for their courageous and tireless efforts to reach all of God's people and provide for them the skills to likewise teach others about the life-altering power of the Gospel.

As a non-denominational church, Living Word Ministries International, LWMI, is devoted to bridging the gaps that keep God's people separate and alienated from one another. Through scriptural study, comprehensive prayer, dynamic worship, and focused group ministries, LWMI has successfully created a body of believers capable of reaching the un-churched in the Colorado Springs region and beyond. Currently, Brannon's church is involved in missions in more than seven States and four foreign countries. This is truly a church without walls.

They also seek to provide a comfortable and functional location for the base of their ministries and their weekly church services. On July 22, my wife and I had the privilege of attending the dedication ceremony for their new church building. I was touched and impressed by the sincerity of their efforts to reach ever higher toward the glory of God.

Today, I offer my sincere congratulations to LWMI for all they have achieved since 2003 to the benefit of my constituents in Colorado Springs. I trust and pray that their ministry will only continue to expand in size and effectiveness over the years to come so that they may share their joy and passion with even more of our local and global community.

TRIBUTE TO AMHERST POLICE CHIEF JOHN J. MOSLOW, JR.

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. REYNOLDS. Madam Speaker, with great appreciation I rise today to honor a dedicated and highly respected law enforcement officer who for more than 32 years steadfastly served and protected the people of Amherst, NY.

Amherst Police Chief John J. Moslow Jr. has led a life deeply committed to service, to justice, to making his community a better place. In charge of the region's largest suburban police force for 8 years, Chief Moslow rolled up countless accomplishments, winning awards for his law enforcement initiatives and accolades for his deft management of high-profile cases. But more than awards and accolades can attest, during his 32 years on the force Chief Moslow has earned the utmost respect of area leaders, local officials and his fellow officers. With his straightforward and effective leadership, Chief Moslow indeed has left the Amherst Police Department stronger than he found it.

Chief Moslow joined the department in 1975 shortly after serving his country in another capacity, as a soldier in the Vietnam War. After serving as patrolman for 6 years, Chief Moslow began his steady rise in the force when he was promoted to patrol lieutenant in 1981. Known for his discipline and professionalism, Chief Moslow was made captain starting in 1989, serving in several different capacities for 10 years before being promoted to chief in 1999.

During his tenure, Chief Moslow led the department through times of unprecedented challenges and met each one head on. Whether it was adapting to the new security realities of a post-September 11th world or responding to surprise snowstorms, Chief Moslow took decisive action and improved the performance of his department every step of the way. His long list of achievements include the department's increased community police presence, investments in new crime-fighting and life-saving technology, the implementation of a new community emergency notification system and the establishment of the Amherst Police Foundation. Also on Chief Moslow's watch, every murder case was solved, each murderer at large taken off the streets, each one brought to justice. As he goes on to serve as Chief of Security of the Eighth Judicial District, serving Western New York's courts, Chief Moslow's legacy in Amherst will certainly live on.

Thus, Madam Speaker, in recognition of his tremendous service for more than 32 years to the people of Amherst, NY, for his leadership, his dedication and the lasting legacy he leaves, I ask this Honorable Body join me in honoring Chief John J. Moslow Jr.

INTRODUCTION OF BILL ALLOWING AMERICAN PARTICIPATION IN CUBAN ENERGY EXPLORATION PROJECTS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to permit Americans and American companies to take part in exploring for and development of energy resources offshore of Cuba and other nearby countries.

The bill would make an exception to all laws, Executive Orders, and regulations that now prohibit exports to or imports from Cuba or transactions in property in which a Cuban national has an interest. This exception would apply to transactions necessary for the exploration for and development of hydrocarbon resources—such as petroleum or natural gas—from offshore areas under the control of Cuba or another foreign government that are contiguous to the exclusive economic zone of the United States. The bill would also permit Americans to travel to, from, and within Cuba in connection with such exploration and development activities.

Madam Speaker, since coming to Congress I have supported efforts to relax some of the unduly restrictive laws and policies that prevent American companies from doing business in Cuba. The legislation I am introducing today would continue those efforts.

It responds to a U.S. Geological Survey report published last year that estimates some 4.6 billion barrels of oil and 9.8 trillion cubic feet of natural gas could lie offshore from Cuba, in the North Cuba Basin.

Cuba's share of the Gulf of Mexico was established in 1977 through treaties with the United States and Mexico. So there is no dispute about the status of the area, and it is my understanding that Cuba has divided its offshore territory into 59 exploration blocs and opened them up to foreign companies in 1999. Already, several foreign companies have indicated interest in some of these blocs, including a Canadian firm as well as companies from China and Venezuela.

However, our trade embargo continues to prevent American companies from seeking similar opportunities. I think this makes no sense, and the bill I am introducing today would change that. Under the bill, the only restriction would be that any exploration or development by an American company offshore from Cuba would be subject to the same conditions for protection of fish, wildlife, and the environment as would be the case if the activities were carried out in the parts of the outer continental shelf under the control of the United States.

Madam Speaker, I am not in favor of unlimited development of oil and gas wherever those resources may be found. In our country, I think some areas should remain off-limits to such activities, and that in some other areas it should be subject to restrictions to protect other resources and values. And if Congress

were called to make similar decisions about resources in areas controlled by Cuba I well might support similar restrictions for the offshore areas the government of Cuba has decided to make available for exploration and development.

But I think that once the government of Cuba has made that decision, our Government should not insist on preventing American companies from seeking the opportunity to take part in those activities—especially since the American energy industry is unrivalled for its technical expertise and its ability to meet the technical challenges involved. My legislation would allow them to seek that opportunity.

HONORING THE MOSES AND AARON FOUNDATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. SHAYS. Madam Speaker, I want to recognize the Moses and Aaron Foundation, an organization committed to special needs children and their families. The Foundation's significant and enduring efforts, under the direction of the president, Rabbi Yaacov Kaploun, and Executive Vice President Yehuda Kaploun, deserve the highest praise, as do the philanthropists who have given so much of themselves to fulfill its mission.

The Moses and Aaron Foundation Special Fund for Children, an all-volunteer organization, is dedicated to assisting children with disabilities and their families with a wide range of programs, including social, physical, financial and wheelchair assistance, as well as counseling and guidance.

It also provides scholarship funding to educational institutions; collects, purchases, and distributes clothing for children in need; provides presents to those children at holiday time or when hospitalized.

In cooperation with Bally's Fitness Centers, the Foundation has been able to establish physical fitness and therapy centers. It has also arranged for sound and musical equipment in other institutions.

On July 28, 2007, at the Sullivan County Community College in Lock Sheldrake, New York, the Moses and Aaron Foundation, under the honorary chairmanship of Nobel Laureate Elie Wiesel, will sponsor its 11th Summer "Chazak-Strength" Concert honoring and paying tribute to special and outstanding children and their families. The guests of honor will be the special and outstanding children, many of whom will perform with the entertainers on stage. More than 40 organizations and schools serving the physically and mentally disabled children will be represented.

The Chazak Concert and the Moses and Aaron Foundation's other programs demonstrate a caring and compassionate concern for the quality and dignity of life of others and merit the appreciation of all who have benefited from its services.

The Moses and Aaron Foundation was founded in memory of Rabbi Dr. Maurice I. Hecht and Aaron Kaploun, both of whom led lives of exemplary community service. It is in this sentiment of communal dedication that the Moses and Aaron Foundation has devoted itself to serving the needs of a unique group in the community.

I commend the Moses and Aaron Foundation, an organization which exemplifies the generosity of spirit in our society.

TRIBUTE TO SERGEANT JACOB S. SCHMUECKER

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise today in remembrance of SGT Jacob S. Schmuecker, an Atkinson, Nebraska, native who lost his life on July 21 in Balad, Iraq, in support of Operation Iraqi Freedom.

Sergeant Schmuecker, assigned to Nebraska's National Guard's 755th Chemical Reconnaissance/Decontamination Company, died when his military vehicle was struck by a roadside bomb.

This young man represented some of the best qualities of Nebraska, and our State mourns his loss.

Sergeant Schmuecker has been described as "calm, cool, and collected"—a man who answered the call of duty and served honorably. His loss will be felt not only by the men in his unit, but in Nebraska where he leaves behind his wife and three young children.

My prayers and condolences go out to Sergeant Schmuecker's family and friends who feel the loss of this brave man. He will be missed.

PERSONAL EXPLANATION

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. BROWN of South Carolina. Madam Speaker, on Tuesday, July 24, 2007, I was with the President in my district visiting our troops at Charleston Air Force Base. As such, I missed several votes related to the Transportation Housing Appropriations Bill. Had I been present, I would have voted as follows: rollcall 691, Mica Amendment, "yes"; rollcall 692, Bachmann Amendment, "no"; rollcall 693, Flake Amendment, "no"; rollcall 694, Flake Amendment, "no"; rollcall 695, Chabot Amendment, "yes."

Should you have any questions, please contact my Washington office.

TRIBUTE TO FLORIDA STATE REPRESENTATIVE MIKE DAVIS UPON HIS RETIREMENT

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. MACK. Madam Speaker, I rise today to honor one of Florida's most outstanding public servants, State Representative Mike Davis (R-Naples), who is retiring after an exceptional career.

Mike was first elected to the Florida Legislature in 2002, and from the first time I met him, I knew he'd be a great leader. Mike is one of the hardest-working people I know and his enthusiasm and passion for serving the community is inspiring. Mike's the type of elected official that all of us in public service strive to be—accessible, dedicated, and effective.

I've known Mike for over 5 years and had the opportunity to serve in the Florida Legislature with him. He is one of the most talented and committed representatives. He truly represents the ideals of our region and has worked tirelessly behind the scenes to make Southwest Florida a great place to live, work and visit.

Southwest Florida has experienced tremendous growth over the last several decades, and Mike understands the importance of ensuring that we have an infrastructure that can support this growth. As Chairman of the Infrastructure Committee, Mike successfully fought to improve our regional transportation system, pushed for growth management solutions, and worked to ensure that our airports are safe and reliable. He's also worked to make housing more affordable for Floridians.

Of course, Mike's public service does not end with his stint in the Legislature. Mike's held countless positions on numerous civic and charitable organizations throughout Southwest Florida. He's the type of person who believes in giving back to his community tenfold and has done just that. From working with Boy Scout Troop 225, to serving as President of the Naples chapter of the Rotary Club, to volunteering with Hospice of Naples—he's left an indelible mark on your community.

I'd also like to recognize Mike's wife, Patricia, and his two children, Christian and Natasha, for their support during his public service—I know he couldn't have accomplished so much without their love and support.

Madam Speaker, Southwest Florida is better off today because of Mike Davis' tireless work. I wish Mike and his family all the best.

HONORING PASTOR CLARENCE SEXTON

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. DUNCAN. Madam Speaker, on August 26, many people from East Tennessee and others from around the Nation will join together to honor Dr. Clarence Sexton on his 40th anniversary in Christian ministry.

Clarence Sexton is one of the finest men I have ever known. Through his work, he has touched thousands of lives in good and positive ways.

He has a heart for service and has shown simple human kindness to countless numbers of people. This world is a better place and many have been saved because of the life Clarence Sexton has led.

The most successful people in the world try some projects that do not go well or even some that fail. But the most important thing is that they never stop trying.

Clarence Sexton is one of the most successful men I know. He is what I call a mover and a shaker, and he would have been a great success in almost anything to which he devoted his tremendous enthusiasm and work ethic.

But God directed him to the Christian ministry, and God has done great and wondrous things through his servant Clarence Sexton.

Temple Baptist Church is now one of the greatest churches in this Nation, But I am even more impressed by the work of Crown College, of which Dr. Sexton is Founder and President, and its many outstanding students and graduates.

I am fortunate that I can call Pastor Clarence Sexton my friend, as he also is to so many others. I want to congratulate him on his 40 years in the ministry, and I know he will continue to do great things in the years ahead.

This Nation needs more men like Reverend Clarence Sexton, of the great Temple Baptist Church in Powell, Tennessee.

IN HONOR OF ROBERT C. HOLTON, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. BISHOP of Georgia. Madam Speaker, I rise today to honor Robert C. Holton, Sr., of Grady County, Georgia, whose achievements merit our recognition. He is recognized for his 53 years of service to his family, church, and his community.

The residents of Grady County, Georgia, should be proud to have called Holton a neighbor and a friend. Robert C. Holton, Sr., was born on April 30, 1943, to Mrs. Goodie Bell Williams Holton and the late Mr. Henry Holton, Sr. In following the tradition of his parents, Holton tirelessly served God through Jerusalem P.B. Church, which later became Mt. Zion P.B. Holton. For 53 years, Holton served as a deacon and trustee. After graduation, Holton attended Monroe Area Vocational Technical School in Albany, Georgia, where he received a certificate in general auto mechanics.

Far too many stories are told about the elite and their charity; however, today I would like to recognize the story of an ordinary man who gave extraordinarily of himself. It was in Grady County, Georgia, where Holton began his unprecedented commitment to his immediate community. As the founder of Vision & Wisdom and Family Homes Building, Inc., Holton provided affordable housing to needy families. However, this was not enough for Holton, Sr., as he committed 22 years to the chairmanship of the Francis Western YMCA. Also, Holton served in the Thomasville/Thomas County Chamber of Commerce for over 20 years.

Unfortunately, Holton's tragic death came as a shock; he died during an automobile accident on his usual weekend trip. So on this 26th of July, I commend Robert C. Holton, Sr. for his tangible commitments to the State of Georgia. May his work ethic and commitment continue to define our State.

IN RECOGNITION OF PFC JAMES J. HARRELSON

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ROGERS of Alabama. Madam Speaker, Private First Class James J. Harrelson, age 19, a native of Dadeville, Alabama, was killed on July 17, 2007, in Baghdad. PFC Harrelson was assigned to B Company, 2nd Battalion, 16th Infantry Regiment, 1st Infantry Division based in Fort Riley, Kansas.

PFC Harrelson was a graduate of Dadeville High School, where he was a member of the student council and a talented athlete. He had been serving in Iraq since May of this year.

Words cannot express the sense of sadness we have for his family, and for the gratitude our country feels for his service. Pvt. Harrelson, like other brave men and women who have served in uniform, died serving not just the United States, but the entire cause of liberty. Indeed, like those who have served before him, he was a true American.

We will forever hold him closely in our hearts, and remember his sacrifice and that of his family as a remembrance of his bravery and willingness to serve our nation. Thank you, for the House's remembrance at this mournful occasion.

RECOGNIZING G. KEITH AND WANDA SHUPE

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize two outstanding constituents of Missouri's Sixth Congressional District: G. Keith and Wanda Shupe of Stanberry, Missouri. Keith and Wanda will celebrate their 50th Wedding Anniversary on July 27, 2007.

Keith and Wanda were married on July 27, 1957 at the Francis Street First United Methodist Church in St. Joseph, MO by the Reverend Powell. They have two children, Tim Shupe of Stanberry, MO and Jackie Shupe of Columbia, MO. They also have two grandchildren, Derek Shupe of St. Croix, VI, and Brooke Shupe of Washington, DC.

Keith and Wanda Shupe have been outstanding citizens of Gentry County and Northwest Missouri for the past 50 years. Keith is a semi-retired farmer from a third generation family farm and Wanda is a retired hairdresser and office manager for the Tenorio's Doctors office in Albany, MO. Keith and Wanda have been lifetime supporters of the Republican Party within the 6th district and across Missouri. Wanda is currently a member of the Missouri Federation of Republican Women and serves as treasurer for the 6th district Republican Congressional Committee.

Madam Speaker, I proudly ask you to join me in recognizing Keith and Wanda Shupe. Their marriage of 50 years is inspirational, and I am honored to represent them in the Congress.

RECOGNIZING THE HONORABLE R.L. LEWIS

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MILLER of Florida. Madam Speaker, it is an honor for me to rise today to recognize Mr. R.L. Lewis for 23 years of dedicated public service. Mr. Lewis, a member of the Milton City Council, is a highly-regarded figure whose contributions to the advancement of the city of Milton are immeasurable.

A native of northwest Florida, R.L. is the son of R.V. and Louise Lewis. After graduating from T.R. Jackson High School in 1957, R.L. attended Pensacola Junior College and later went on to serve in the United States Army for 2 years. When R.L. returned to Milton, he began his career with a local division of Monsanto Company, a multinational agricultural biotechnology corporation, from which he retired in 1995.

In addition to being the first African American to serve on the Florida Highway Patrol Auxiliary in northwest Florida in 1972, R.L. was also the first to serve on the Milton City Council. He was first elected in 1984 and has been reelected in every subsequent election.

As city councilman, R.L. currently serves as the chairman of the Public Works Committee and a member of both the Parks and Recreation Committee and the Insurance Committee. For the past 40 years, he has been employed as a funeral advisor with Lewis Funeral Horne. He also serves as chairman of the deacon board at Mt. Zion Primitive Baptist Church and chairman of Milton-Keyser Cemetery Committee.

Through his leadership and dedication, R.L. has honorably and spiritually served the northwest Florida community. He is a longtime member of the NAACP and former member of numerous other church and civic organizations. These include: West Florida Planning Board, Islam Shrine Temple No. 182, Florida League of Cities Nominating Committee, and Review Board for Law Enforcement.

Despite all of his professional success, R.L. would be the first to say he would not have accomplished so much without the support of his loving wife, Paulette Larkins Lewis.

Madam Speaker, I would like to offer my sincere congratulations to a man who has served as a role model to us all, a true servant to the Milton community. I am thankful for his exemplary service and leadership in northwest Florida and recognize him for 23 years of dedicated public service on the Milton City Council.

RECOGNIZING THE THIRD ANNIVERSARY OF HOUSE CONCURRENT RESOLUTION 467 DECLARING GENOCIDE IN THE DARFUR REGION OF SUDAN

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FRANKS of Arizona. Madam Speaker, three years after the U.S. Congress passed a resolution officially recognizing the genocide in Darfur, the crisis continues today unabated. We continue to hear credible reports of armed attacks on aid workers, food convoys, and civilians by the government-supported Janjaweed militia. While assistance from UN troops is critical given the limited African Union resources, President Bashir has prevented such assistance from taking place. Madam Speaker, with 2.5 million people murdered in Southern Sudan, 450,000 killed in the Darfur region, 35,000 women and children

enslaved, more than 270,000 refugees, and four million people internally displaced as a result of the policy of genocide, the regime of President Bashir must be held accountable.

As we commemorate the third anniversary of this resolution, let us not forget that this crisis is only part of a larger policy of the government led by Omar al Bashir that has been ongoing for over twenty years. This policy of arabization and islamization began with the Bashir government's war against the people of the South, which spread into Darfur, and is now moving into the Nuba Mountains.

Madam Speaker, the Bashir government has shown blatant disregard for implementing the Comprehensive Peace Agreement (CPA) which ended their civil war against the South, providing only more evidence that they do not take peace seriously and cannot be negotiated with. If the CPA fails, I have no doubt that the Bashir government will not only completely wipe out the people of Darfur, but every other part of Sudan that does not fit into their racist and inhuman agenda for the country. Madam Speaker, this corrupt and merciless regime has absolutely no regard for the intrinsic value of innocent human life, and it must be held to account if there is to be any hope for lasting peace in Sudan.

Madam Speaker, the U.S. Government has taken the leading role in resolving the conflict in Sudan, from negotiating the end of the civil war to providing more humanitarian aid than any other country, and calling the international community to seriously address the genocide in Darfur. However, without support from China which now has significant oil interests in Sudan, and from other UN and Arab League member states that refuse to hold Bashir responsible for his policies of genocide, the crisis cannot be resolved.

Today, Madam Speaker, as we once again commemorate the resolution declaring the horrific atrocities continuing to occur in Sudan, may we resolve to do everything in our ability to hasten the day when the sunlight of freedom shines on every one of those precious human souls.

P.T. WRIGHT AND US–VISIT

HON. MICHAEL T. McCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MCCAUL of Texas. Madam Speaker, I rise today to recognize an extraordinary leader, public servant and person, Mr. Phlemon Thomas Wright, known to his friends as "P.T." After 34 years of outstanding service to the American people, P.T., currently the acting deputy director of the Department of Homeland Security's (DHS) US–VISIT program, is retiring from the Federal Government.

P.T.'s retirement is a great loss to DHS. At the same time, his many years of dedicated service are a true testament to his commitment to protecting our country.

His most recent work with the US–VISIT program has made this initiative one of the great successes in our efforts to strengthen American homeland security. It is now the world's most innovative and integrated biometrics-based program. This is in no small part due to leaders like Mr. Wright. Through his oversight and management of day-to-day operations, the program remained focused on accomplishing its overall mission objectives and successfully deployed biometric screening capabilities to all U.S. air, sea and land border ports of entry.

US–VISIT's operational success has depended in large part on the program's ability to educate international travelers. When the program began, there was great concern about the potential effects that this biometric screening would have on the flow of travel into our country. Now, because of the program's success and the outreach of leaders like P.T., many who were early critics are now ardent supports of the program.

Mr. Wright understood that active engagement with border stakeholders was critical in creating a foundation of trust and familiarity upon which to build positive long-term relationships. He tirelessly traveled Southwest border communities, including many in the Lone Star State, to inform and educate border constituents as US–VISIT expanded to cover a wide array of border management developments and initiatives. P.T.'s in-depth knowledge of the land border environment made him a credible voice. His candor and conviction won him respect with border community leaders. And most importantly, P.T. gave border communities a voice in Washington as US–VISIT rolled out.

In addition to his outreach efforts along our borders, P.T. has traveled across the world to demonstrate the advantages of biometrics as a powerful tool to improve the integrity of our immigration and border management system, to make us safer, and to facilitate legitimate travel and trade. Thanks to leaders like P.T., US–VISIT is on a path to continue to be a world leader in the innovative use of biometrics for identity management, transforming the world into a place in which legitimate international travel is convenient, predictable and secure, and frankly difficult, unpredictable and intimidating for those traveling for the wrong reasons.

P.T. Wright began his career with the former U.S. Customs Service in 1973, and he has served with distinction in a number of key positions at the Departments of the Treasury and Homeland Security. In his management roles with U.S. Customs and Border Protection in Dallas/Fort Worth, Texas; El Paso, Texas; Nogales, Arizona; and Washington, DC, P.T. was intricately involved in the development of customs policies for cargo examination and processing, drug interdiction and traveler processing.

It is fitting that P.T.'s accomplishments and leadership were recognized last year with the prestigious Presidential Rank Award for Meritorious Executive for his extraordinary contributions to our Nation's welfare and security during his extensive U.S. border management career.

Mr. Wright has done more than manage government operations successfully; he has become beloved by his colleagues within US–VISIT and throughout the Federal Government. His sincerity, infectious sense of humor, and leadership will be missed. He leaves some big, Texas-sized shoes behind to be filled. I commend P.T for his commitment to excellence and his dedication to our country, and wish him the best in his future endeavors.

INTRODUCTION OF H.R. 3188

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to introduce legislation that will correct an inequity in our welfare system. Under the current system, married couples enrolled in the Temporary Assistance for Needy Families program face a penalty simply because they are married. My legislation, the TANF Marriage Penalty Elimination Act, would require that all families are treated equally.

Madam Speaker, while the welfare reforms enacted in 1996 were by and large a tremendous success, they included an unintended consequence that my legislation seeks to correct.

Under current law, States receive block grant funding to help low-income parents train for and find jobs. The States are required to engage 50 percent of single-parent families, but 90 percent of two-parent families.

This law unintentionally discourages our society's most basic institution of marriage. My legislation would require that States engage 50 percent of all families on welfare in work preparation programs, eliminating the two-parent work rate that today constitutes a marriage penalty.

My legislation follows previous bi-partisan efforts to eliminate the separate and higher two-parent work rate for welfare. In each welfare reform reauthorization bill passed by this House in recent years, language eliminating this marriage penalty was included. Democratic versions of this legislation included the same provision. But for technical reasons, this provision was not included in the welfare reform reauthorization legislation that the President signed into law in 2006 as part of the Deficit Reduction Act. The National Governors' Association and the Administration have expressed support for ending the higher two-parent work rate, as this bill would do.

I urge my colleagues to support this legislation which would allow all States to provide more consistent and effective services to all families on welfare without the unintended penalties imposed on married couples.

PROCLAMATION HONORING THE 100TH ANNIVERSARY OF THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY'S BROADCAST WARNING DESK

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. VAN HOLLEN. Madam Speaker, August 19, 2007, will mark 100 years since the U.S. Navy Hydrographic Office issued its first broadcast of a navigational warning. This event began its mission of broadcasting information concerning hazards to navigation to ships at sea during an age when limited communication methods and the lack of an international system made receiving this information difficult. In recognition of this 100th anniversary of broadcasting safety of navigation information, we honor all who have contributed to broadcasting maritime safety information.

On April 14, 1912, the sinking of the *Titanic* focused the world's attention on navigation safety at sea. Following this tragedy, an international committee was formed to which the U.S. Navy Hydrographic Office became a major contributor. This committee monitored ice conditions along the major Europe-to-America shipping routes, established specific lifeboat capacity for passengers, and most importantly, mandated that all vessels at sea maintain a 24-hour radio watch. In 1921, the U.S. Navy Hydrographic Office began broadcasting navigational safety warnings worldwide for all commercial and military shipping.

In 1977, the International Hydrographic Organization and the International Maritime Organization established the World-Wide Navigational Warning Service, WWNWS, to coordinate global radio broadcast service for information about hazards to navigation that might endanger international shipping. The WWNWS divided the world into 16 Navigation Warning Areas. The United States has been designated the coordinator for the two areas along the Atlantic and Pacific Coast. As the responsible WWNWS coordinator on behalf of the United States, the National Geospatial-Intelligence Agency, NGA, headquartered in Bethesda, MD, annually processes over 130,000 messages, guaranteeing the continuous operation of the WWNWS for the world's ships.

On this 100th anniversary, we recognize the importance of maritime safety information and the NGA for supporting safety of life at sea through the broadcast of navigational warnings. We also recognize the men and women of the NGA who carry on this legacy today.

HONORING STEVEN FIRESTEIN AND KIDS CANCER CONNECTION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. CAPPS. Madam Speaker, today I rise to pay tribute to Steven Firestein and Kids Cancer Connection and the American Cancer Fund for Children for the tireless work that they do on behalf of children suffering from cancer.

Los Angeles Mayor Antonio Villaraigosa proclaimed the week of December 11, 2006 as "Childhood Cancer Awareness Week" in the city of Los Angeles, and since then, many other cities have done the same. I am pleased to join Mayor Villaraigosa and Santa Barbara Mayor Marty Blum in thanking Steven Firestein, the founder of American Cancer Fund for Children and its sister organization, Kids Cancer Connection, for his hard work and dedication in assisting children and their families fighting cancer.

For over a decade, Steven has been providing critical services to children undergoing cancer treatments at many hospitals, including Santa Barbara Cottage Hospital in my Congressional District. American Cancer Fund for Children provides hand-made caps for children following the trauma of chemotherapy, surgery and radiation. The American Cancer Fund for Children also sponsors Courageous Kid award ceremonies and hospital celebrations in recognition of each child's bravery and determination in his or her struggle against cancer. I have been privileged to participate in these moving ceremonies and I can say that they have a significant impact on the patients and their families.

As a nurse and as Co-Chair of the House Cancer Caucus, I understand firsthand the trauma that these children and their families suffer. I am so pleased to work with Steven as he dedicates countless hours of his time to bettering the lives of so many. He is a tireless advocate and greatly deserves recognition for his efforts. I hope that you will join me in recognizing this generous volunteer.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. SMITH of Washington. Madam Speaker, for the record, during consideration of H.R. 3093 on rollcall 733, I voted "no", and meant to vote "aye."

LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

SPEECH OF

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Ms. MATSUI. Mr. Speaker, I rise in support of this legislation—which I am proud to have co-sponsored—that commits our Nation to changing course in Iraq. This House, and the American people we represent, will not allow our involvement in Iraq's civil war to continue indefinitely.

Today's bill makes it crystal clear that no permanent military bases will be built in Iraq. As such, it is proof that the new Congressional leadership is focused on ending this war. It is evidence of our dedication to the well-being and protection of our troops. And, above all else, it begins to implement a strategy to reassert our country's proper role in the world.

For these reasons, this legislation deserves the unwavering support of each and every Member of this House.

Mr. Speaker, we know that much of the strife taking place in Iraq has deep historical and cultural roots. As a result, any resolution to the conflict will be political in nature and not imposed through force. A central component of such a solution will require us to redeploy our troops from Iraq, and I am proud to have voted in favor of such a strategic shift along with a majority of the new Democratic Congress.

Unfortunately, this rational way forward has been blocked by a President whose insistence on imposing a military solution has cost the lives of thousands of coalition forces and Iraqi civilians. The President's strategy is not working, Madam Speaker. And along with a majority of my colleagues, I will continue to vote to change it.

Passing the bill before us today will help us accomplish this goal. It will send an unmistakable message to our Armed Forces that the American people will not abandon them to a faraway civil war. It will demonstrate to the rest of the world that the United States is not bent on occupying other sovereign nations. It will signal to the Iraqi people that they must assume responsibility for their own government. Finally, it will allow our military the time it needs to re-focus on emerging threats to our allies and to our Nation.

Mr. Speaker, this bill validates what the American people have known for a long time: our presence in Iraq must end, for the good of our country and for the sake of those who have laid their lives on the line to fight for it.

TRIBUTE TO RALPH NAPPI AND THE MAKE-A-WISH FOUNDATION OF THE MID-ATLANTIC REGION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. VAN HOLLEN. Madam Speaker, there are few who are not familiar with the wonderful work of the Make-A-Wish-Foundation of the Mid-Atlantic, Inc.—a non-profit organization that fulfills the wishes of children with life-threatening medical conditions to enrich their lives with hope, strength and joy. One of the most successful Make-A-Wish chapters in the country, the Mid-Atlantic Chapter, is headquartered in my congressional district, in Kensington, Maryland.

The gentleman most responsible for this remarkable success—the Mid-Atlantic Chapter's President and CEO for 17 of its 24 years, Mr. Ralph Nappi—is retiring this month.

During Ralph's tenure, the Foundation has grown from fulfilling 40 wishes a year to more than 400, having a significant impact on the lives of children in Maryland, Washington, DC, Northern Virginia and Delaware. Ralph has set a standard of excellence that is a model for the other 71 chapters across the U.S. and the 28 around the world.

Founded in 1983, the Make-A-Wish Foundation of the Mid-Atlantic, Inc. has fulfilled the wishes of more than 5,600 children fighting illnesses such as cancer, pediatric AIDS, cystic fibrosis, Duchene's muscular dystrophy and heart disease. Remarkably, it has granted the wish of every courageous child referred to it since its founding. Nationally, the Make-A-Wish Foundation has granted the wishes of 150,743 children—granting one wish every 41 minutes.

A wish fulfilled creates a memorable experience for a child fighting a life-threatening medical condition and gives that child something wonderful to focus on rather than on medical treatments and hospital visits. Recent wishes granted by the Mid-Atlantic chapter include visiting Walt Disney World, taking a family vacation to Australia, receiving a home computer, having a bedroom redecorated and meeting the Backstreet Boys.

On behalf of my constituents in Maryland's Eighth Congressional District, especially those who have benefited from the wonderful work of the Make-A-Wish Foundation, I congratulate Ralph Nappi on his outstanding leadership and thank him for all that he has done. He will be missed greatly by many as he enjoys his well-deserved retirement.

CONGRATULATING KIMBERLY NICOLE MORGAN, MISS MISSISSIPPI 2007

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, I would like to congratulate the 2007 Miss Mississippi Pageant winner, Kimberly Nicole Morgan.

Kimberly, a 24-year-old native of Oxford, MS, is the daughter of Elzie and Valerie Morgan. Kimberly, a music teacher at Madison Shannon Palmer High School in Quitman County, MS, is no stranger to wearing a crown. A former Miss Alcorn State University 2005, she has also reigned as Miss Freshman 2001–2002 and Miss Southwest in 2006. She currently serves as Miss Heritage, respectively.

Kimberly obtained a bachelor's degree in vocal music from Alcorn State University in 2006. She was actively involved in the ASU Gospel Choir, Beaute Noire Modeling Squad, and the ASU Student Government Association. Kimberly won the coveted Miss Mississippi crown as the pageant celebrated its 50th anniversary. As Miss Mississippi, Kimberly will compete in the Miss America pageant where she will spread her platform issue G.O.T.M.I.L.K.!, Golden Opportunity Toward Music Increasing Literacy in Kids, a weekly after-school program of music instructions. Kimberly understands that most children of low income and rural communities lack linguistic development, adaptation to their environment, basic child development, and overall school performance. G.O.T.M.I.L.K.!, is a method that can use music in the teaching of reading to enhance motivation and the abilities of children because the subject has so many similarities. Her goal is to teach everyone to become proficient in reading, writing, and mathematics as well as aims for students to become proficient in making and learning music.

''Words can't express what I am feeling,'' Morgan said after being crowned by Miss Mississippi, ''God has answered my prayers''. Kimberly, the second African-American woman crowned Miss Mississippi during its 50 year history, won a scholarship and hopes to become the fifth Mississippian to win the Miss America Pageant. Kimberly was chosen from a field of 47 contestants during the week-long pageant. This is an enormous step for Mississippi and its progress towards African-American women breaking through the color barrier by successfully competing as equals and being considered equally as intelligent, beautiful human beings.

Ms. Morgan, a god-fearing, family-oriented, selfless woman has had the same dreams of music, education, mentoring to the youth, and pageants since the age of 7. After viewing a Miss Mississippi Pageant as a child, Kimberly proclaimed to her classmates that she wanted to be Miss America. ''All the other kids were saying they wanted to be doctors and lawyers, and I raised my hand and said I wanted to be Miss America.''

I am very proud of Ms. Morgan and all of her accomplishments. She is truly a vision of grace and beauty, and I look forward to seeing her represent the State of Mississippi in the Miss America Pageant in 2008.

Please join me today in congratulating Ms. Kimberly Nicole Morgan. I am certain she will represent our State in an extraordinary way.

A SERIOUS RESPONSE TO GROWING INEQUALITY FROM AN UNEXPECTED SOURCE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FRANK of Massachusetts. Madam Speaker, this morning David Wessel, writing in the Wall Street Journal, called deserved attention to the growing maldistribution of income in our country. He observes that ''. . . governments and businesses must come up with new ways to spread its'' (globalization's) ''benefits more widely.'' I commend the report to my colleagues and ask unanimous consent that Mr. Wessel's article be printed here.

[July 26, 2007]

GLOBALIZATION STUDY MOVES PAST RHETORIC

Most of the policy briefs, working papers and trade-association reports that cross a columnist's desk slide easily into the trash can or onto the read-someday pile.

But a recent study on globalization, commissioned by the Financial Services Forum, an association of the chief executives of 20 huge financial companies, ranging from American International Group and Citigroup to UBS and Wachovia, stands out.

CAPITAL EXCHANGE

How should business and government spread globalization's benefits? The analysis, written by a former member of President Clinton's Council of Economic Advisers, a former member of President Bush's and a former Bush Commerce Department official, says:

(1) Globalization is good for the U.S. economy. (No surprise coming from a bunch of financial firms that make money doing business across borders.)

(2) Gains from globalization aren't evenly shared. (A little surprising, but in the past couple of years, there has been a willingness among business to publicly acknowledge that economic reality.)

(3) To avoid a backlash against globalization, governments and businesses must come up with new ways to spread its benefits more widely and assist those hurt by all sorts of economic change. (Very surprising, more like a Democratic candidate's talking points than a report issued and promoted by an outfit led by Citigroup Chief Executive Charles Prince and Don Evans, the former Bush commerce secretary.

What's Going On? Business interests with a strong stake in globalization—international operations account for nearly half Citigroup's second-quarter profit—see rising public anxiety about globalization as a threat. And they realize that preaching the gospel of comparative advantage isn't going to win the debate.

''The mounting opposition is in response to the other side of globalization—outsourcing of jobs, economic dislocation, anxiety and fear,'' the forum said in an internal planning document early this year. ''Making the case for trade and globalization requires . . . a list of specific, meaningful, practical, cost-efficient, and effective public- and private-sector responses to the reality that while the aggregate benefits of free trade and globalization are tremendous, it can sometimes bring with it painful dislocations for individuals, families, towns, regions, even entire industries.''

Much of the globalization debate is unproductive. Gene Sperling, a globalization-friendly, former Clinton aide, likens it to divorce court. ''It is two sides simply marshaling every bit of evidence they can against the other, with no nuance, no willingness to look at cost and benefit.''

Some business executives, prodded by politicians such as House Ways and Means Chairman Charles Rangel, finally are realizing that trade-friendly Democrats will be overwhelmed by trade skeptics unless there is something tangible to offer workers worried about their livelihoods and their children's. A new Pew Global Attitudes survey finds Americans generally optimistic about the next five years, but only 31% expect their children's lives will be better than their own; Europeans are even more pessimistic. By contrast, 81% of the Chinese expect their children to do better.

The Financial Services Forum report is, in part, a response to that. The specifics are intriguing—not because they are the best solutions, but because they move beyond inadequate approaches such as making the failing Trade Adjustment Assistance program for dislocated workers a tad more generous.

Among the Proposals: Raise taxes on winners to share benefits of globalization more widely. Replace TAA and unemployment insurance with a big new program for displaced workers that offers wage insurance to ease the pain of taking a lower-paying job. Provide for portable health insurance and retraining. Create a way for communities to ensure their tax base against big factory closures. Eliminate tax hurdles for businesses that do what International Business Machines is proposing: Offer 50 cents for every $1 (up to $1,000 a year) that workers set aside to pay for training.

''The greatest risk to our economy is disengaging from the world economy,'' says Grant Aldonas of the Center for Strategic and International Studies think tank, one of the report's three authors. ''The nature of the conversation has to change for us to succeed. We are renegotiating the social contract in America, but we're letting it be done by the United Auto Workers and Delphi, and leaving a lot of others out—including the poor and the businesses on the leading edge.''

Mr. Aldonas and his co-authors, Dartmouth's Matthew Slaughter and Harvard's Robert Lawrence, argue that public policy can spread the benefits of globalization more widely. They say the U.S. need not accept as inevitable the steady widening of the gap between economic winners and losers, an inequality that threatens to produce barriers to trade, investment and immigration that will hurt U.S. prosperity.

The forum is hawking the analysis to Democrats and Republicans. Merrill Lynch bought an ad promoting it in a Capitol Hill newspaper. Now the question is whether business will go beyond talk. As C. Fred Bergsten, head of the Peterson Institute for International Economics think tank puts it: ''They haven't gone to the mat and talked to Charlie Rangel and Democrats who are wavering, if not worse, and said, 'We want to support a meaningful program of wage insurance, and we'll be willing to give up some of our beloved tax breaks to pay for it.' ''

One troubling sign: Although forum chief executives issued statements blessing the new report, not one has been willing to talk to a Wall Street Journal reporter about it.

HONORING ANNE SALAZAR

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. THOMPSON of California. Madam Speaker, I rise today to honor Anne Salazar from the Napa Valley, who is retiring from Ste. Michelle Wine Estates after 20 years working at Conn Creek Winery and Villa Mt. Eden premium wineries, and has helped establish these both as two most desirable destinations in the Napa Valley.

Ms. Salazar immigrated to the United States from England in 1960 and arrived in the Napa Valley in 1979. Growing up in Europe, wine was always present in her life, and after arriving in the Napa Valley she translated her interest into a long career in Napa wines. She began her work as Assistant Hospitality Manager at Domaine Chandon in 1980, but her excellent work and passion for wine earned her a quick promotion to Hospitality Manager in 1982. In 1987 she was hired by Conn Creek and Villa Mt. Eden Wineries as Hospitality and Guest Services Manager, and she has remained there since that time.

In her position with Ste. Michelle Wine Estates, Ms. Salazar has been crucial to developing the brand for the very special wines they produce in the Napa Valley. Ms. Salazar's love of wine and expert touch have educated many visitors about the more than 45 "90+ scores" which these wines have received in major wine publications. Her excellent work has earned the esteem of her coworkers, and has provided excellent guidance throughout the continued development of these two wineries.

Beyond her work in the wineries, Ms. Salazar has made significant contributions to our community in the Napa Valley and beyond. She is an active member of the Silverado Wine Trail Association, and for many years she has helped with the fundraising for the City of Stockton's Pixie Woods children's park. In her free time she is an avid hiker and reader, and looks forward to spending lots of time with her children and grandchildren.

Madam Speaker and colleagues, it is appropriate at this time that we rise to honor Ms. Anne Salazar and congratulate her on her retirement from Ste. Michelle Wine Estates, where she has been an important part of their success for many years. Anne is a friend and during her tenure in the Napa Valley she has earned the admiration of many, and her presence will be missed.

A TRIBUTE TO ANGELO ROTELLA

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to pay tribute to an outstanding friend and fellow Rhode Islander, Mr. Angelo S. Rotella, Esq.

Our Nation faces a considerable public health challenge in providing for the long term care needs of frail, elderly, and disabled Americans. Meeting this challenge, and especially caring for those who have sacrificed so much in defense of our great nation, requires both leadership and expertise. Without a doubt, Angelo Rotella has both.

The owner and administrator of the Friendly Home and Berkshire Place skilled nursing facilities in Rhode Island, Angelo also serves as Chair of the American Health Care Association, AHCA, which represents nearly 11,000 nursing homes, assisted living residences, and facilities for the care of people with mental retardation and developmental disabilities.

In October, Angelo will conclude his term as Chair of the AHCA. A healthcare professional with more than twenty years of long term care experience, Angelo has been an elected leader of AHCA for more than a decade and has also served in many leadership roles with the Rhode Island Health Care Association. In addition to these responsibilities, he maintains professional membership in the National Fire Protection Association and the National Health Lawyers Association.

Angelo's first-hand knowledge of facilities and experience at the state level make him a formidable advocate for quality long term care—one who appreciates the challenges ahead while working now to ensure that all Americans will continue to have access to the best care.

Madam Speaker, I salute my good friend Angelo Rotella for his years of service with the American Health Care Association, and for his example to those who care for our Nation's most vulnerable citizens. He has truly made a difference in countless lives, and I know my colleagues will join me in expressing our appreciation for his efforts. Congratulations, Angelo, and thanks for all you have done.

LIMITING USE OF FUNDS TO ESTABLISH ANY MILITARY INSTALLATION OR BASE IN IRAQ

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Ms. ESHOO. Mr. Speaker, I rise in support of this legislation which sets into law two very important and straightforward policies:

(1) Congress shall provide no funding to support a permanent military presence in Iraq; and

(2) Congress will not support any policy to exercise U.S. control of Iraq's oil reserves.

These policies are important because they deliver a clear message to the Iraqi people that the U.S. presence is not open-ended, and that the resources of Iraq belong to the Iraqi people.

Today, fully 80 percent of Iraqis believe the U.S. intends to remain indefinitely in their country. This fuels insurgent attacks against our troops and discourages Iraqi security forces from taking control of their communities.

Terrorists use the claim that the U.S. "occupation" is a ploy to steal the region's oil, and with it its economic future.

This bill helps to eliminate the deep suspicions which exist and they take an important step forward to change the direction of the Iraq war.

I urge my colleagues to support the bill.

HONORING DAVID WOODLEY PACKARD

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, this evening at the Library of Congress, David Woodley Packard, president of the Packard Humanities Institute (PHI), will officially transfer the 415,000-square-foot Packard Campus in Culpepper, VA, to the Library of Congress to house what is the world's largest and most comprehensive collection of moving images and sound recordings.

As a member of the Joint Committee on the Library, I want to commend the board members of the Packard Humanities Institute and, in particular, its president, David Woodley Packard, for making this new facility possible. It is truly a gift to the Nation whose creative heritage in sound and image will for the first time be consolidated in one state-of-the-art facility. I also want to note the generosity of the Packard Humanities Institute to my home state of California: the UCLA Film Archive and the restoration of the Stanford Theatre in Palo Alto and the San Jose Fox Theater for the San Jose Opera.

Constructed by the Packard Humanities Institute, the three-building facility represents the largest-ever private gift to the U.S. legislative branch of government and one of the largest ever to the Federal Government. The Packard Campus will consolidate audiovisual collections and will enhance the Library's efforts to preserve and make accessible its collections of moving images and sound recordings. I also want to commend my colleagues in the Congress who have provided an additional $82.1 million to support operations, maintenance, equipment and related costs for this magnificent facility.

In closing I want to commend the Librarian of Congress, Dr. James H. Billington, for his commitment to the preservation of our Nation's audio-visual heritage. Under his leadership, Congress approved P.L. 105–144 in 1997 to authorize the unique public-private partnership that has resulted in the facility now being transferred to the Federal Government for the Library of Congress.

TRIBUTE TO MR. RAYMOND HENRY WOOD

HON. KIRSTEN E. GILLIBRAND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. GILLIBRAND. Madam Speaker, I rise today to pay tribute to one of the newest centenarians my congressional district, Mr. Raymond Henry Wood of Glens Falls, New York.

Ray was born and raised in Wells, New York, on July 26, 1907. He was married to Irene (Robbins) for over 50 years, before she passed away several years ago. They had two daughters, Beverly Palmer, who passed away in June of this year; and Bonnie Dow, who resides with her husband Ralph in Gansevoort, NY. Ray has several grandchildren, great grandchildren and great-great grandchildren.

Ray worked many years delivering milk in the local area for Borden's Dairy. He loved to

attend auctions and estate sales where he would purchase antiques. He refinished many of the treasures he discovered in his workshop, for his home or to resell. Ray was a high scoring bowler into his late 90's, bowling a 207 at the age of 95, and won the senior's league award. He is still an avid coin collector and has the latest set of the ''State'' quarters. Ray also loved to play pool, and often invited his friends and neighbors to play on his table in his basement.

Ray resides on Raymond Avenue in Glens Falls, New York, where his neighbors were blessed with his invariable kindness and generosity for over 50 years. He always included his neighbors' sidewalks when clearing snow with his snowblower. He was quick to assist any and all whenever he saw someone who needed aid in any fashion. It was after his 95th birthday that he told a friend that he regretfully could no longer push his snowblower or mow his lawn. Ray is a true gentleman with a great sense of humor, and a beguiling sparkle in his eyes.

Ray will be honored at an open house on Saturday July 28, 2007, at the Gansevoort Fire House, to celebrate his 100th birthday. Ray's daughter Bonnie and her husband Ralph Dow will host the party.

Madam Speaker, I would like to urge all of my colleagues to join me in wishing Ray Wood a most happy 100th birthday and to thank him for his innumerable acts of kindness to neighbors and strangers alike over his long life. Thank you.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Ms. CLARKE. Madam Speaker, on rollcall No. 716, I was unavoidably absent. Had I been present, I would have voted ''yea.''

On rollcall No. 717, I would have voted ''yea.''

On rollcall No. 718, I would have voted ''yea.''

On rollcall No. 719, I would have voted ''yea.''

On rollcall No. 720, I would have voted ''no.''

On rollcall No. 721, I would have voted ''no.''

On rollcall No. 722, I would have voted ''no.''

On rollcall No. 723, I would have voted ''aye.''

On rollcall No. 724, I would have voted ''no.''

On rollcall No. 725, I would have voted ''aye.''

On rollcall No. 726, I would have voted ''no.''

On rollcall No. 727, I would have voted ''no.''

On rollcall No. 728, I would have voted ''aye.''

On rollcall No. 729, I would have voted ''no.''

On rollcall No. 730, I would have voted ''aye.''

On rollcall No. 731, I would have voted ''aye.''

On rollcall No. 732, I would have voted ''aye.''

On rollcall No. 733, I would have voted ''aye.''

TRIBUTE TO DR. MARLENE SPRINGER

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. FOSSELLA. Madam Speaker, I want to extend my congratulations to Dr. Marlene Springer, second president of the College of Staten Island, the City University of New York, on the occasion of her retirement.

Dr. Springer has served CSI as its president from 1994 through August of this year. In these 13 years of leadership, Dr. Springer advanced campus technology, established public-private partnerships, initiated an international distance education program, developed an international high school on campus, increased the College's enrollment to record levels, and strengthened academic standards.

In addition to a variety of other honors and accolades, she was selected as one of only four U.S. delegates to the Annual International Forum of Female Presidents in Higher Education in Beijing, and is also one of seven U.S. college presidents who founded The Oxford Conclave on Global Ethics.

She has made CSI a recognized leader locally, nationally, and internationally; Staten Islanders are proud of her and of ''their college.''

I would like to publicly thank Dr. Springer for her outstanding leadership, and I wish her all the best in her future endeavors.

IN HONOR OF HERB D. KELLEHER'S RETIREMENT AS EXECUTIVE CHAIRMAN OF SOUTHWEST AIRLINES

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. SESSIONS. Madam Speaker, I rise to pay tribute to an aviation legend who recently announced his plan to retire next May. Herb Kelleher is a founder of Southwest Airlines and currently serves as its Executive Chairman, a position that he has held since the spring of 1978. From the fall of 1981 to the summer of 2001, Kelleher also served as President and Chief Executive Officer of Southwest Airlines.

Southwest started its operations in 1971 with just three airplanes. Today, it operates a fleet of 489 airplanes with orders for many more 737s. Home-based at Dallas Love Field, I am proud to represent many Southwest Airlines employees that live in the 32nd Congressional District of Texas. Southwest Airlines has been profitable for 34 consecutive years, a feat that is impressive for any business, but for an airline to be profitable for 34 consecutive years, given all of the challenges and tough competition in the aviation industry, is truly impressive. Southwest Airlines prides itself on never having furloughed an employee during its history.

Kelleher's vision for Southwest Airlines was not to produce a company that would just return profits to its shareholders—but for a company that has the respect and admiration of those who purchase the tickets and go to work everyday for the company. For the 10th year in a row, Fortune magazine honored Southwest Airlines in its annual survey of corporate reputations. Furthermore, among all industries in 2006, Fortune has also ranked Southwest Airlines as number three among America's Top Ten most admired corporations.

I have had the pleasure of knowing and working with Herb for many years, and I wish him all the very best for a well-earned retirement next year. However, knowing Herb, he will continue to work very hard for Southwest Airlines until the day that he leaves the office for the last time. He may be leaving the airline that he helped to create, but his legacy will never leave the spirit that is Southwest Airlines.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 24, 2007, I inadvertently voted ''aye'' on rollcall No. 692, an amendment to the Transportation and Housing and Urban Development Appropriations Bill, H.R. 3074. I intended to vote ''no'' on the amendment, which would impose an unacceptable cut to Amtrak. I am pleased that my colleagues did not support this amendment, and I congratulate the gentleman from Massachusetts, Transportation and Housing and Urban Development Chairman JOHN OLVER who provided such important support for transportation and Amtrak.

IN COMMEMORATION OF THE MARQUIS DE LAFAYETTE'S 250TH BIRTHDAY CELEBRATION IN FAYETTEVILLE, NC

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. McINTYRE. Madam Speaker, on behalf of the citizens of Fayetteville, NC, I rise today to pay tribute to their upcoming celebration on September 6–8 in honor of Marquis de Lafayette. Fayetteville, the first City in the United States named for Lafayette, will rightly celebrate Lafayette's 250th birthday with great celebration and splendor. In honor of this special time, I am entering into the CONGRESSIONAL RECORD this special tribute which details the relationship between Fayetteville and Lafayette. Happy Birthday to Lafayette and congratulations to the City of Fayetteville, NC!

Marquis de Lafayette, born on September 6, 1757, is considered a national hero in both France and the United States for his participation in the American and French Revolutions, and is one of only six Honorary Citizens of the United States, and whose portrait, along with that of our first President George Washington, hangs in this very chamber.

Lafayette served heroically and with distinction during the American Revolution both as a general and as a diplomat, offering his services as an unpaid volunteer.

Lafayette's first battle in the American Revolution was at Brandywine, where he fought courageously and was wounded; he also served with distinction in various other engagements including the surrender of the British army at Yorktown.

In 1783 the two colonial villages of Cross Creek and Campbellton were merged by the and named Fayetteville, North Carolina—the first city in the United States named for Lafayette—and the only one named for him that he actually visited.

In 1789, the General Assembly and Constitutional Convention met in Fayetteville, North Carolina, where delegates ratified the United States Constitution, chartered the University of North Carolina, and ceded the state's western lands to form the state of Tennessee.

During Lafayette's tour of the United States as ''The Guest of the Nation,'' he was entertained in Fayetteville on the 4th and 5th of March, 1825, by the leading citizens of the state and community, including Governor Hutchins G. Burton.

Upon the death of Lafayette in 1834, the City of Fayetteville held a large memorial service and eloquent eulogium on his character and services.

Upon the bi-centennial of the naming of Fayetteville in 1983, the Lafayette Society and General Lafayette's great-great grandson, The Count Rene de Chambrun, unveiled a statue of General Lafayette in the Downtown Historic District.

The city of Fayetteville, North Carolina, will have three days of celebration, September 6–8, 2007, to the 250th birthday of its namesake Marquis de Lafayette.

The great City of Fayetteville is to be commended for honoring this great national hero and is ''Where North Carolina Celebrates Lafayette's Birthday.''

PROVIDING FOR CONSIDERATION OF H.R. 3093, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2007

Mr. COSTA. Mr. Chairman, I rise in strong support of the Poe-Costa-Moore amendment to the CJS Appropriations Act. The Victims of Crime Act (VOCA) Fund was created by Congress in 1984 to provide Federal support to Federal, State, tribal and local programs that assist victims of crime. And this fund is derived entirely from fines and penalties paid by offenders at the Federal level, not taxpayer revenues.

VOCA funds several important national programs, such as the Children's Justice Act, Victim Notification System, and the U.S. Attorney's office. It also funds Victim Compensation Grants that provide funds to states to reimburse victims for out-of-pocket expenses, primarily medical costs and lost wages. Finally, Victim Assistance Grants to states are also funded through VOCA. These grants go to States which support direct victim assistance services. It is estimated that 4,400 agencies depend on continued VOCA Victim Assistance Grant funding to serve 3.8 million victims a year.

Congress began setting a cap in the appropriations process on the amount dispersed to States annually from the Fund in order to ensure stable funding for victim service providers in the field. Both the House and the Senate CJS subcommittees have included a $625 million cap for FY 2008. This would be the fifth year in a row without an increase in the total VOCA cap.

Due to increasing claims, VOCA Compensation Grants rose $22.3 million in FY07 and are expected to rise by at least $5.6 million in FY08. The Poe-Costa Amendment will increase the VOCA cap by $10 million in FY 2008 to help prevent cuts to VOCA Victim Assistance Grants.

Crime victims are our sons and daughters, sisters and brothers, parents and neighbors who are struggling to survive in the aftermath of crime. They deserve services, and our support to help them cope. I urge all of my colleagues to support this important amendment.

RECOGNIZING THE COMMUNITIES OF GAHANNA AND WESTERVILLE, OHIO

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the communities of Gahanna and Westerville, Ohio. Both have been ranked by Money magazine as two of the 100 best places to live in the Nation.

Praised for their economic opportunity, quality school systems, and safe and hospitable neighborhoods, Gahanna and Westerville are truly desirable places to live. As a life-long neighbor of both communities, I have been witness to the kindness of both communities every time I pass through.

The friendly atmosphere cultivated by the members of both communities is engaging and welcoming, making them a wonderful place to call home. The rankings by Money magazine are true testaments to the Buckeye spirit, which both areas adequately represent.

I offer my congratulations to Mayor Becky Stinhcomb of Gahanna, Mayor Diane Fosselman of Westerville and the members of both communities. All have created wonderful places for Central Ohioans to call home.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 24, 2007, I inadvertently failed to vote on Flake Amendment to H.R. 3074 (Rollcall No. 694). Had I voted, I would have voted ''no.''

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 19, 2007

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3043) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2008, and for other purposes:

Mrs. MALONEY of New York. Madam Chairman, I rise today in support of the FY08 Labor, Health, and Human Services, Education Appropriations Act. This legislation includes valuable funding for the health care needs of the heroes and heroines of 9/11. I commend Chairman OBEY for his effort to include $50 million for their treatment.

H.R. 3043 will make college more affordable by increasing the maximum Pell Grant by $390 while providing $2 billion more than last year for No Child Left Behind programs. It expands access to health care for the uninsured and provides and increases funding for the National Institutes of Health by $750 million over last year.

However, I do oppose a policy provision contained in H.R. 3043 which concerns the National Institutes of Health public access policy. The act would change the current voluntary policy by mandating that final manuscripts reporting on NIH-funded research be submitted to the NIH National Library of Medicine's PubMed Central for worldwide distribution. This change would set a dangerous precedent for government action, by infringing on the rights of the copyright holders of these articles. I believe strongly that the policy is best left in its current voluntary form to provide flexibility and allow copyright holders to manage their investments in scientific research while maintaining the accuracy of this data.

Publishers in my district invest hundreds of millions of dollars to ensure that the results of scientific research are peer reviewed, published and disseminated as widely as possible. Although public dollars are used to fund the research, the peer review and publishing process is completely funded by private sector non-profit and commercial publishers. A unilateral requirement that these articles be posted for free on PubMed Central, ignores the critical role that publishers play in the scientific process. This requirement also ignores a longstanding principle that the government should not be involved in the taking of copyrighted works—and in this case, without providing any compensation. That is exactly what a mandated policy would do.

Moreover, once manuscripts are deposited in PubMed Central, these copyrighted works would be available for anyone to download the material, free of charge and without any geographic or time restrictions. Under the current policy publishers still retain control and voluntarily make their articles available for free public access while retaining their copyright.

Under a mandatory policy authors and publishers would be required, as a matter of practical effect, to give up any reasonable prospect of protecting their copyrights.

Madam Chairman, I believe that the NIH can achieve the laudable goals it has set by implementing the public access policy without infringing on publishers' copyrights. However, this can only be done if the policy is left in its current form and not mandated. I urge my colleagues who will be conferencing on the Labor/HHS Appropriations bill to take these issues into consideration when they finalize the legislation so that the copyright protections that are so critical to the continued advancement of science and scientific knowledge will be fully preserved.

REINTRODUCTION OF 9/11 CAN YOU HEAR ME NOW ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mrs. MALONEY of New York. Madam Speaker, today, along with Representatives SHAYS and WEINER, I am reintroducing the "9/11 Can You Hear Me Now Act."

The attacks on the World Trade Center in 1993 and on September 11, 2001, exposed serious communication problems for the New York City Fire Department, FDNY. Since these attacks, there have been major efforts to improve the FDNY's communication system, but much more needs to be done. There can be no doubt that New York is a top terrorist target and the lack of a fully functional communications system is a threat not only to FDNY and New York residents' lives but also to all those who visit there.

The protection of New York City has become a national responsibility. Other cities with tall buildings throughout the country face the same challenges with their communication systems and will need the same upgrades. Improvements in New York will lay the groundwork for improvements to communications systems across the country.

The "9/11 Can You Hear Me Now Act" instructs the Department of Homeland Security, DHS, to provide the FDNY with a communication system that must be capable of operating in all locations and under the circumstances we know firefighters face and will continue to face when responding to an emergency in New York City.

This bill would require a communication system that includes three components—radios, dispatch system and a supplemental communication device. It would require it to work in all buildings and in all parts of the city. The supplemental communication device would allow firefighters to transmit an audible emergency distress signal when a firefighter is in need of immediate assistance, and DHS would work with the City of New York in their planned upgrades of the emergency 911 system and any interoperability initiatives with other public safety communication systems.

I urge all of my colleagues to support this important legislation.

CONGRATULATING THE WINNERS OF THE 70TH ANNUAL ALL-AMERICAN SOAP BOX DERBY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. HOYER. Madam Speaker, I rise today to congratulate the winners of the 70th Annual All-American Soap Box Derby—one of whom, I am proud to say, is one of my neighbors and constituents from Mechanicsville, Maryland.

On July 21, 550 soap box champions from 183 cities in 43 states gathered in Akron, Ohio to compete for the National Championship. In the Stock Division, Tyler Schoff took home first place. In the Super Stock Division, Andrew Feldpausch bested the field to earn a national title as well. And in the Master's Division, Kacie Rader, of Maryland's Fifth District, took the National Championship after winning the Greater Washington Soap Box Derby in a race held right here on the Capitol grounds. Kacie is the first racer from the National Capital region—or the entire state of Maryland for that matter—to win a National Championship.

Kacie, who started her racing career at the age of 7, has worked tirelessly to earn such a noteworthy win. Last year alone, Kacie competed in 40 Soap Box Derby events and traveled to 6 different states over 20 weekends to compete. Kacie, who will be beginning her senior year at Chopticon High School in the fall, will now continue on to Indiana for the National Derby Rally Championship where she will be ranked number one in points. I along with the people of Maryland wish her the best of luck.

My congratulations go out to Kacie, Tyler, Andrew, and everyone who participated in what has become a national tradition over the last seven decades. The All-American Soap Box Derby is one of the oldest road races in America today—second only to the Indianapolis 500. And those who compete in this race are part of a long-standing legacy that highlights the best that American youths have to offer.

That is because it takes more than just athletic prowess to be a champion soap box racer. It takes imagination and creativity to design a vehicle that has the durability, handling and speed needed to win. It takes hard work and diligence to build a racer once it has been designed. And it takes intelligence and grace under pressure to successfully command a soap box racer in a racing environment.

Once again, I offer my congratulations to everyone that participated in the "greatest amateur racing event in the world." And I want to thank Kacie Rader, of Mechanicsville, Maryland, for bringing national acclaim to Maryland's Fifth District by winning the All-American Soap Box Derby Master's Division Championship.

RECOGNIZING THE ACCOMPLISHMENTS OF DEPUTY COMMISSIONER DEBORAH J. SPERO

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor the accomplishments of Ms. Deborah J. Spero of Reston, Virginia, for her service to the U.S. Customs and Border Protection Agency as Deputy Commissioner. Ms. Spero has served this Nation with honor and distinction for 37 years, and I commend her for her dedication to public service and tireless efforts to ensure the safety of our Nation.

After the attacks of September 11th, with the creation of the Department of Homeland Security, Ms. Spero was called upon to help shape the newly established U.S. Customs and Border Protection Agency, where border security, U.S. Customs Service, Immigration and Naturalization Service, and the Department of Agriculture, were integrated. Ms. Spero's knowledge and experience made her the logical fit to lead this most important transition, which she met with strength and resiliency.

In 2004, Commissioner Robert C. Bonner appointed Ms. Spero as Deputy Commissioner, and, in 2006, she served ably as Acting Commissioner for six months. After the confirmation of Commissioner Ralph Basham, she resumed her duties as Deputy Commissioner and has continued to lead U.S. Customs and Border Protection through the many challenges it faces to secure our Nation's borders.

Ms. Spero's commitment to this Nation is reflected in the many accolades she has amassed over her career. In 1999, she received the Distinguished Presidential Rank Award for her extraordinary accomplishments within the Customs Service and the federal government community. Additionally, in 2004, Ms. Spero received the Meritorious Executive Presidential Rank Award for her unparalleled accomplishment and service, and in 1996 she was the recipient of the Meritorious Executive Presidential Rank Award for her major accomplishments as an executive.

Madam Speaker, I wish to commend Ms. Spero for her many years of service to our Nation and I am proud to have her live in Virginia's 8th Congressional District. This Nation will lose a proud servant when she leaves office on August 3, 2007. I wish all the best to her and her family in her retirement.

IN SUPPORT OF THE MILITARY DRAFT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. RANGEL. Madam Speaker, I rise in support of the reinstatement of the military draft, which will ensure that the burden of war is shared by all residents of this great country.

All Americans should be given the opportunity to prove their patriotism. We should all share in the sacrifices being made by our exhausted troops. It is a fact that most of these volunteer troops come from economically depressed small towns and rural areas. As shown in a recent report by the Congressional Budget Office, children of society's affluent are the least represented class of Americans in the Armed Forces.

Sacrifices for America should not be made only by those who are less fortunate. The burden of war should be shared by all who enjoy the privileges and rights that our citizenship

grants. My bill to reinstate the draft would ensure that. It not only provides the manpower necessary to restore our exhausted troops but repairs the broken military. Furthermore, with a draft in place, decision-makers would be more cautious about sending America's sons and daughters into harm's way.

I believe our troops should be withdrawn from Iraq as soon as possible. But as long as our troops are there it will be up to the President and the Congress to ensure that the whole Nation, in some way, shares their sacrifice.

In times of war it should be the duty of all citizens to contribute to the effort. There is honor and pride in military service, but we do harm to our troops if we make them alone responsible for paying the price.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. ELLISON. Madam Speaker, on July 18, 2007, I inadvertently failed to vote on Price Amendment to H.R. 3043 (Rollcall No. 653). Had I voted, I would have voted "no."

17TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. LOEBSACK. Madam Speaker, I rise today to celebrate the 17th anniversary of the Americans with Disabilities Act. I remember when this bill was signed into law in 1990. As an Iowan, I was proud to be represented in the United States Senate by TOM HARKIN who helped lead the fight for this important legislation and is a true champion to people with disabilities. As an American, I was proud to be a part of a country that understood true equality and was unafraid to take steps toward achieving it.

The ADA was one of the greatest victories in civil rights since the Civil Rights Act of 1964. The effects of this legislation reverberated across the country as those who had been forced into the shadows and treated as second-class citizens were brought into the light and granted the rights and opportunities they long deserved.

While we have made great strides, this fight is not over. Justin Dart Jr., who was widely recognized as "the father of the Americans with Disabilities Act" and "the godfather of the disability rights movement," once wrote, "ADA is only the beginning. It is not a solution. Rather, it is an essential foundation on which solutions will be constructed."

This Congress is ready to answer Justin's call to action. I am a proud cosponsor of the ADA Restoration Act of 2007 which was introduced earlier today by Majority Leader HOYER. In recent years, the Supreme Court has slowly chipped away at the broad protections of the ADA and has created a new set of barriers for Americans with disabilities. Under the cramped interpretation of the ADA by the courts, a broad range of people with physical and mental impairments have been held not to be "disabled enough" to gain the protections of the law. This is not what Congress intended when it passed the ADA. The ADA Restoration Act focuses on the discrimination that people experience rather than focusing on their ability to prove that they have a disability.

I'm also proud to be a co-sponsor of the Community Choice Act which would provide community-based supports for persons with disabilities and older Americans. This legislation just makes sense—it gives individuals more options to remain in their own communities, and their own homes, rather than having to be placed in a nursing home or other institution.

These bills continue to move us forward and closer to our goals. We are building a momentum that will be impossible to stop.

I encourage all of my colleagues to commit to keep the ADA strong. Congress must continue the fight for equal rights for all people.

GENOCIDE IN DARFUR

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 26, 2007

Mr. PITTS. Madam Speaker, July 22, 2007 is the third anniversary of the U.S. Congress's declaration that the tragedy in Darfur truly is a genocide. That declaration, as well as former Secretary of State Colin Powell's declaration, was intended to clearly delineate to the international community the true extent of the devastating death, destruction, rape and other human rights violations.

Over the years, my colleagues and I have given a number of speeches about Sudan and specifically about Darfur. Yet, with all the proof that NGOs, journalists, and humanitarian workers have presented, the attacks and atrocities against the people of Darfur continue.

Clearly the abusive regime in Khartoum does not care about stopping the suffering, otherwise the Janjaweed militias would not be able to wreak havoc wherever they go.

A recent report by Refugees International details the fact that rape is "an integral part of the pattern of violence that the government of Sudan is inflicting upon the targeted ethnic groups of Darfur." Listen to those words—that means the Janjaweed, under the orders of their masters in Khartoum, are deliberately raping the women to impregnate them and "purify" them racially.

The trauma imposed on the women of Darfur is unthinkable, yet reportedly is simply the implementation of a policy. What kind of government has a policy to ethnically cleanse, via rape, their peoples? Not a government that should have any power.

Madam Speaker, it is beyond comprehension that when the international community clearly knows that genocide is occurring, there would not be enough concern or political will to come down hard on Khartoum to end the death and destruction.

The fact that we must continue to raise the reality of genocide in Darfur means that we, the U.S. and the international community, have not done enough.

The international community has no excuse, because we know what is happening. There is no hidden agenda—the Sudanese government and their brutal militias have made their goals clear. The real question is—does the international community care enough to go after the Khartoum government and its puppet militias?

To the people of Darfur, we stand in solidarity with you.

Daily Digest

HIGHLIGHTS

Senate passed H.R. 2638, Department of Homeland Security Appropriations Act.

Senate agreed to the conference report to accompany H.R. 1, Implementing Recommendations of the 9/11 Commission Act.

The House passed H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008.

Senate

Chamber Action

Routine Proceedings, pages S10051–S10208

Measures Introduced: Sixteen bills and two resolutions were introduced, as follows: S. 1879–1894, and S. Res. 281–282. **Page S10148–49**

Measures Reported:

S. 1893, to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program. **Page S10148**

Measures Passed:

Department Of Homeland Security Appropriations Act: By 89 yeas to 4 nays (Vote No. 282), Senate passed H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, after taking action on the following amendments proposed thereto:

Pages S10058–S10115

Adopted:

By 89 yeas to 1 nay (Vote No. 278), Graham Amendment No. 2480 (to Amendment No. 2383), to ensure control over the United States borders and strengthen enforcement of the immigration laws.

Pages S10058–67

Grassley/Inhofe Modified Amendment No. 2444 (to Amendment No. 2383), to provide that none of the funds made available under this Act may be expended until the Secretary of Homeland Security certifies to Congress that all new hires by the Department of Homeland Security are verified through the basic pilot program authorized under section 401 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 or may be available to enter into a contract with a person, employer, or other entity that does not participate in the such basic pilot program. **Pages S10058, S10083**

Schumer Modified Amendment No. 2461 (to Amendment No. 2383), to increase the amount provided for aviation security direction and enforcement. **Pages S10058, S10083**

Schumer Amendment No. 2447 (to Amendment No. 2383), to reserve $40,000,000 of the amounts appropriated for the Domestic Nuclear Detection Office to support the implementation of the Securing the Cities initiative at the level requested in the President's budget. **Page S10083**

Vitter Modified Amendment No. 2488 (to Amendment No. 2383), to prohibit U.S. Customs and Border Protection or any agency or office within the Department of Homeland Security from preventing an individual not in the business of importing a prescription drug from importing an FDA-approved prescription drug from Canada. **Page S10067**

Dole Amendment No. 2462 (to Amendment No. 2383), to require that not less than $5,400,000 of the amount appropriated to United States Immigration and Customs Enforcement be used to facilitate agreements described in section 287 (g) of the Immigration and Nationality Act. **Pages S10083, S10091**

Lieberman Amendment No. 2407 (to Amendment No. 2383), to provide funds for the Interoperable Emergency Communications Grant Program.

Pages S10093–95, S10096–98

By 51 yeas to 43 nays (Vote No. 280), Sanders/Feingold Amendment No. 2498 (to Amendment No. 2383), to prohibit funds made available in this

Act from being used to implement a rule or regulation related to certain petitions for aliens to perform temporary labor in the United States.

Pages S10092–93, S10098–99

By 93 yeas to 1 nay (Vote No. 281), DeMint Amendment No. 2481 (to Amendment No. 2383), to prohibit the use of funds to remove offenses from the list of criminal offenses disqualifying individuals from receiving TWIC cards.

Pages S10091, S10099, S10113–15

Coburn/DeMint Amendment No. 2442 (to Amendment No. 2383), to prohibit funding for no-bid earmarks. **Pages S10095–96, S10100**

Murray (for Kyl/Martinez) Modified Amendment No. 2518 (to Amendment No. 2383), to set aside $60,000,000 of the overall amount appropriated for border security, interior enforcement, and employment verification to be used for employment verification improvements. (Subsequently, a unanimous-consent agreement was reached providing that the amendment be further modified).

Pages S10100, S10105

Salazar Modified Amendment No. 2516 (to Amendment No. 2383), relative to border security requirements for land and maritime borders of the United States. (Subsequently, a unanimous-consent agreement was reached providing that the amendment be further modified). **Pages S1009192, S10100**

Murray (for Landrieu) Amendment No. 2527 (to Amendment No. 2383), to require the Administrator of the Federal Emergency Management Agency to authorize an in-lieu contribution to the Peebles School. **Page S10101**

Murray (for Cochran/Lott) Amendment No. 2469 (to Amendment No. 2383), to provide that certain hazard mitigation projects shall not be subject to any precertification requirements. **Page S10101**

Murray Modified Amendment No. 2499 (to Amendment No. 2383), to make funds available to procure commercially available technology in order to expand and improve the risk-based approach of the Department of Homeland Security to target and inspect cargo containers under the Secure Freight Initiative and the Global Trade Exchange and to provide an offset. **Page S10101**

Murray (for Stevens) Modified Amendment No. 2475 (to Amendment No. 2383), to develop and implement a Model Ports of Entry program.

Page S10101

Murray (for Lieberman) Amendment No. 2513 (to Amendment No. 2383), to require a national strategy and report on closed circuit television systems.

Pages S10101–02

Murray (for Pryor) Amendment No. 2502 (to Amendment No. 2383), to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists. **Page S10102**

Murray (for Cantwell/Snowe) Amendment No. 2514 (to Amendment No. 2383), to prevent procurement of any additional major assets until completion of an Alternatives Analysis, and to prevent the use of funds contained in this act for procurement of a third National Security Cutter until completion of an Alternatives Analysis. **Page S10102**

Murray (for Cantwell) Amendment No. 2391 (to Amendment No. 2383), to require the Secretary of Homeland Security to develop a strategy and funding plan to implement the recommendations regarding the 2010 Vancouver Olympic and Paralympic Games in the Joint Explanatory Statement of the Committee of Conference on H.R. 5441 (109th Congress), the Department of Homeland Security Appropriations Act, 2007. **Page S10102**

Murray (for Hutchison) Amendment No. 2466 (to Amendment No. 2383), to provide local officials and the Secretary of Homeland Security greater involvement in decisions regarding the location of border fencing. **Pages S10102–03**

Murray (for Gregg) Amendment No. 2484 (to Amendment No. 2383), to provide for greater accountability in grant and contract administration.

Page S10103

Murray (for Collins) Amendment No. 2486 (to Amendment No. 2383), to require an appropriate amount of funding for the Office of Bombing Prevention. **Page S10103**

Murray (for Byrd) Amendment No. 2497 (to Amendment No. 2383), to establish a wild horse and burro adoption program at the Department of Homeland Security. **Pages S10083–85, S10103**

Murray (for Martinez) Modified Amendment No. 2404 (to Amendment No. 2383), to establish an international registered traveler program.

Pages S10086–91, S10103–04

Murray (for Akaka) Amendment No. 2478 (to Amendment No. 2383), to provide for a report on the Performance Accountability and Standards System of the Transportation Security Administration.

Page S10104

Murray (for Clinton) Amendment No. 2438 (to Amendment No. 2383), to require the Comptroller General to conduct a study on shared border management. **Page S10105**

Murray (for Cornyn) Amendment No. 2432 (to Amendment No. 2383), to increase the authorized level for the border relief grant program for $50,000,000 to $100,000,000. **Page S10105**

Murray (for Sessions) Amendment No. 2451 (to Amendment No. 2383), to conduct a study to determine whether fencing on the southern border can be

constructed for less than an average $3,200,000 per mile. **Pages S10105–06**

Murray (for Isakson) Amendment No. 2495 (to Amendment No. 2383), to restore the credibility of the Federal Government by taking action to enforce immigration laws, to request the President to submit a request to Congress for supplemental appropriations on immigration. **Page S10106**

Murray (for Boxer) Modified Amendment No. 2500 (to Amendment No. 2383), to require United States Customs and Border Protection to provide information to Congress about the training of its personnel to effectively assist the Food and Drug Administration in monitoring our Nation's food supply. **Page S10106**

Murray (for Feingold) Amendment No. 2507 (to Amendment No. 2383), to require a study on the implementation of the voluntary provision of emergency services program. **Page S10106**

Murray (for Kerry/Kennedy) Amendment No. 2477 (to Amendment No. 2383), to require the Government Accountability Office to report on the Department's risk-based grant programs. **Page S10106**

Murray (for Obama) Amendment No. 2519 (to Amendment No. 2383), to provide that none of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than $5 million or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee owes no past due Federal tax liability. **Pages S10106–07**

Murray (for Nelson (FL)) Amendment No. 2439 (to Amendment No. 2383), to resolve the differences between the Transportation Worker Identification Credential program administered by the Transportation Security Administration and existing State transportation facility access control programs. **Page S10107**

Murray (for Baucus) Amendment No. 2406 (to Amendment No. 2383), to prohibit the use of funds for planning, testing, piloting, or developing a national identification card. **Page S10107**

Murray (for Salazar/Allard) Modified Amendment No. 2417 (to Amendment No. 2383), to clarify that the preparation and implementation of community wildfire protection plans is a fire prevention program. **Page S10107**

Murray (for Levin) Amendment No. 2504 (to Amendment No. 2383), to express the sense of Congress regarding the need to appropriate sufficient funds to increase the number of border patrol officers and agents protecting the northern border pursuant to prior authorizations. **Page S10107**

Murray (for Domenici/Dorgan) Modified Amendment No. 2421 (to Amendment No. 2383), to authorize appropriations for border and transportation security personnel and technology. **Pages S10107–08**

Murray (for Domenici) Amendment No. 2422 (to Amendment No. 2383), to conduct a study to improve radio communications for law enforcement officers operating along the international borders of the United States. **Page S10108**

Murray (for Collins/Grassley) Amendment No. 2526 (to Amendment No. 2383), to provide that certain funds shall be made available to the United States Citizenship and Immigration Services for the fraud risk assessment relating to the H–1B program is submitted to Congress. **Page S10108**

Murray (for Graham) Modified Amendment No. 2445 (to Amendment No. 2383), to require a report on interagency operational centers for port security. **Page S10108**

Murray (for Dodd) Modified Amendment No. 2465 (to Amendment No. 2383), to increase the amount provided for firefighter assistance, and to provide offsets. **Page S10108**

Murray (for Lieberman) Amendment No. 2508 (to Amendment No. 2383), to provide funds to modernize the National Fire Incident Reporting System and to encourage the presence of State and local fire department representatives at the National Operations Center. **Pages S10108–09**

Murray (for McCaskill) Amendment No. 2509 (to Amendment No. 2383), to mitigate the health risks posed by hazardous chemicals in trailers provided by the Federal Emergency Management Agency. **Page S10109**

Murray (for Kerry/Snowe) Amendment No. 2463 (to Amendment No. 2383), to apply basic contracting laws to the Transportation Security Administration. **Page S10109**

Murray (for Menendez/Lautenberg) Amendment No. 2490 (to Amendment No. 2383), to provide for a report on regional boundaries for Urban Area Security Initiative regions. **Page S10109**

Murray (for Roberts/Brownback) Amendment No. 2521 (to Amendment No. 2383), to provide for special rules relating to assistance concerning the Greensburg, Kansas tornado. **Pages S10109–10**

Murray (for Coburn) Modified Amendment No. 2467 (to Amendment No. 2383), to authorize the release of data used to determine eligibility for assistance under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. **Page S10110**

Murray (for Clinton) Modified Amendment No. 2474 (to Amendment No. 2383), to ensure that the Federal Protective Service has adequate personnel. **Pages S10110–13**

Murray (for Feinstein) Modified Amendment No. 2522 (to Amendment No. 2383), to include the Mineta Transportation Institute at San Jose State University as a member institution if the Secretary of Homeland Security establishes a National Transportation Security Center of Excellence. **Page S10110**

Murray (for Coleman) Amendment No. 2524 (to Amendment No. 2383), to provide funding for security associated with the national party conventions. **Page S10110**

Byrd/Cochran Amendment No. 2383, in the nature of a substitute. **Page S10058**

Rejected:

Cochran (for Alexander) Modified Amendment No. 2405 (to Amendment No. 2383), to make $300,000,000 available for grants to States to carry out the REAL ID Act of 2005. (By 50 yeas to 44 nays (Vote No. 279), Senate tabled the amendment). **Pages S10078–83**

Withdrawn:

Schumer/Hutchison Amendment No. 2448 (to Amendment No. 2383), to increase the domestic supply of nurses and physical therapists. **Pages S10072–74**

Schumer Amendment No. 2416 (to Amendment No. 2383), to evaluate identification card technologies to determine the most appropriate technology for ensuring the optimal security, efficiency, privacy and cost of passport cards. **Page S10083**

Cochran (for Grassley) Amendment No. 2476 (to Amendment No. 2383), to require the Secretary of Homeland Security to establish reasonable regulations relating to stored quantities of propane. **Page S10083**

Martinez Amendment No. 2503 (to Amendment No. 2383), to require the issuance and use of social security cards with biometric identifiers for the establishment of employment authorization and identity. **Pages S10085–86**

Martinez Amendment No. 2413 (to Amendment No. 2383), to require that all funds for State and local programs be allocated based on risk. **Page S10086**

Cochran/Byrd Amendment No. 2496 (to Amendment No. 2488), to prohibit the use of funds relative to United States Customs and Border Protection. **Pages S10067–68**

Dole Amendment No. 2449 (to Amendment No. 2383), to set aside $75,000,000 of the funds appropriated for training, exercise, technical assistance, and other programs under the heading State and local programs for training consistent with section 287 (g) of the Immigration and Nationality Act. **Page S10091**

Landrieu Amendment No. 2525 (to Amendment No. 2383), to require regional evacuation and sheltering plans. **Pages S10096, S10101**

During consideration of this measure today, the Senate also took the following action:

Chair sustained a point of order against Dorgan/Conrad Amendment No. 2505 (to Amendment No. 2468), relating to bringing Osama bin Laden and other leaders of al Qaeda to justice, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S10068–72, S10074–77**

Chair sustained a point of order against Landrieu Amendment No. 2468 (to Amendment No. 2383), to state the policy of the United States Government on the foremost objective of the United States in the Global War on Terror and in protecting the United States Homeland and to appropriate additional sums for that purpose, as being in violation of Rule XVI of the Standing Rules of the Senate, which prohibits legislation on an appropriation bill, and the amendment thus fell. **Pages S10077–78**

Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Byrd, Inouye, Leahy, Mikulski, Kohl, Murray, Landrieu, Lautenberg, Nelson (NE), Cochran, Gregg, Stevens, Specter, Domenici, Shelby, Craig, and Alexander. **Page S10115**

Conference Reports:

Implementing Recommendations of the 9/11 Commission Act–Conference Report: By 85 yeas to 8 nays (Vote No. 284), Senate agreed to the conference report to accompany H.R. 1, to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States. **Page S10115–10130**

During consideration of this conference report today, the Senate also took the following action:

By 26 yeas to 67 nays (Vote No. 283), rejected a motion to recommit to the conference, with instructions. **Pages S10116–17**

MEASURES CONSIDERED:

Small Business Tax Relief Act: Senate began consideration of the motion to proceed to consideration of H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses.

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, and pursuant to the unanimous-consent agreement of July, 26, 2007,

a vote on cloture will occur at 5:30 p.m., on Monday, July 30, 2007.

Subsequently, the motion to proceed was withdrawn. **Page S10117**

A unanimous-consent-time agreement was reached providing that Senate resume consideration of the motion to proceed to consideration of H.R. 976, to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, at 3:00 p.m., on Monday, July 30, 2007, and that the time until 5:30 p.m. be equally divided and controlled between the Chairman and Ranking Member of the Committee on Finance, or their designees; provided further that at 5:30 p.m., Senate vote on the motion to invoke cloture on the motion to proceed to consideration of the bill. **Page S10117**

Nominations Received: Senate received the following nominations:

Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

Barry Leon Wells, of Ohio, to be Ambassador to the Republic of The Gambia.

Mark M. Boulware, of Texas, to be Ambassador to the Islamic Republic of Mauritania. **Page S**

Messages from the House: **Page S10148**

Measures Referred: **Page S101148**

Executive Reports of Committees: **Page S10148**

Additional Cosponsors: **Pages S10149–51**

Statements on Introduced Bills/Resolutions: **Page S10151–92**

Additional Statements: **Pages S10145–47**

Amendments Submitted: **Pages S10192–S10207**

Authorities for Committees to Meet: **Pages S10207–08**

Privileges of the Floor: **Page S10208**

Record Votes: Seven record votes were taken today. (Total—284) **Pages S10064, S10082, S10099, S10115, S10117**

Adjournment: Senate convened at 9:30 a.m. on Thursday, July 26, 2007 and adjourned at 12:29 a.m. on Friday, July 27, 2007, until 2:00 p.m. on Monday, July 30, 2007. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10208.)

Committee Meetings

(Committees not listed did not meet)

NOMINATION

Committee on the Budget: Committee concluded a hearing to examine the nomination of Jim Nussle, of Iowa, to be Director of the Office of Management and Budget, after the nominee, who was introduced by Senator Grassley and Representative Spratt, testified and answered questions in his own behalf.

DIGITAL TELEVISION TRANSITION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine preparation taken for the digital television transition, after receiving testimony from John M.R. Kneuer, Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce; Catherine Seidel, Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission; Nelda Barnett, AARP, and Nancy Zirkin, Leadership Conference on Civil Rights, both of Washington, D.C.; and Alex Nogales, National Hispanic Media Coalition, Los Angeles, California.

RAILROAD SAFETY AND ENHANCEMENT ACT

Committee on Commerce, Science, and Transportation: Subcommittee on Surface Transportation and Merchant Marine Infrastructure, Safety and Security concluded a hearing to examine a bill entitled, ''Railroad Safety Enhancement Act'', after receiving testimony from Joseph H. Boardman, Administrator, Federal Railroad Administration, Department of Transportation; Edward R. Hamberger, Association of American Railroads, and John P. Tolman, Brotherhood of Locomotive Engineers and Trainmen, both of Washington, D.C.; and David Solow, American Public Transportation Association, Los Angeles, California.

WATER BILLS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded a hearing to examine S. 300, to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, S. 1258, to amend the Reclamation Safety of Dams Act of 1978 to authorize improvements for the security of dams and other facilities, S. 1477, to authorize the Secretary of the Interior to carry out the Jackson Gulch rehabilitation project in the State of Colorado, S. 1522, to amend the Bonneville Power Administration portions of the Fisheries Restoration and Irrigation Mitigation Act of 2000 to authorize appropriations for fiscal years 2008 through 2014, and H.R. 1025, to authorize the Secretary of the Interior to conduct a study to determine the feasibility of implementing a water supply and conservation project to improve water supply reliability, increase the capacity of water storage, and improve water management efficiency in the Republican River

Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, after receiving testimony from Senator Allard; Larry Todd, Deputy Commissioner, Bureau of Reclamation, Department of the Interior; Perri Benemelis, Arizona Department of Water Resources, Phoenix; Marc Thalacker, Three Sisters Irrigation District, Salem, Oregon, on behalf of the Oregon Water Resources Congress; George Caan, Colorado River Commission of Nevada, Las Vegas, on behalf of the Colorado River Energy Distributors Association; Shannon McDaniel, South Columbia Basin Irrigation District, Pasco, Washington, on behalf of the National Water Resources Association; and Gary Kennedy, Mancos Water Conservancy District, Mancos, Colorado.

CALIFORNIA WAIVER

Committee on Environment and Public Works: Committee concluded a hearing to examine the case for the California waiver, receiving an update from the Environmental Protection Agency, and focusing on S. 1785, to amend the Clean Air Act to establish deadlines by which the Administrator of the Environmental Protection Agency shall issue a decision on whether to grant certain waivers of preemption under that Act, after receiving testimony from Senator Nelson (FL); and Stephen L. Johnson, Administrator, Environmental Protection Agency.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following:

S. 1607, to provide for identification of misaligned currency, require action to correct the misalignment, with an amendment in the nature of a substitute; and

The nominations of David H. McCormick, of Pennsylvania, to be an Under Secretary, and Peter B. McCarthy, of Wisconsin, to be an Assistant Secretary, both of the Department of the Treasury.

TREATMENT OF DETAINEES

Committee on Foreign Relations: Committee concluded a hearing to examine extraordinary rendition, extraterritorial detention, and treatment of detainees, focusing on restoring the United States' moral credibility and strengthening diplomatic standing, after receiving testimony from Major General Paul D. Eaton, USA (Ret.), former Commanding General, Office of Security Transition, Baghdad, Iraq; Tom Malinowski, Human Rights Watch, and Daniel Byman, Georgetown University Center for Peace and Security Studies of the Edmund A. Walsh School of Foreign Service, both of Washington, D.C.; and Philip Zelikow, University of Virginia, Charlottesville.

U.N. HUMAN RIGHTS COUNCIL

Committee on Foreign Relations: Subcommittee on International Operations and Organizations, Democracy and Human Rights concluded a hearing to examine the United Nations Human Rights Council, focusing on its shortcomings and prospects for reform, after receiving testimony from Kristen Silverberg, Assistant Secretary of State for International Organization Affairs; Thomas O. Melia, Freedom House, and Brett D. Schaefer, Heritage Foundation Margaret Thatcher Center for Freedom, both of Washington, D.C.; and Peggy Hicks, Human Rights Watch, New York, New York.

NOMINATION

Committee on Indian Affairs: Committee concluded a hearing to examine the nomination of Charles W. Grim, of Oklahoma, to be Director of the Indian Health Service, Department of Health and Human Services, after the nominee, who was introduced by Senator Coburn, testified and answered questions in his own behalf.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 18 public bills, H.R. 3184–3201; and 6 resolutions, H. Con. Res. 193–194; and H. Res. 575–578 were introduced. **(See next issue.)**

Additional Cosponsors: **(See next issue.)**

Reports Filed: There were no reports filed today.

Speaker: Read a letter from the Speaker wherein she appointed Representative Welch (VT) to act as Speaker Pro Tempore for today. **Page H8621**

Commerce, Justice, Science, and Related Agencies Appropriations Act, 2008: The House passed H.R. 3093, making appropriations for the Departments of Commerce and Justice, and Science, and Related Agencies for the fiscal year ending September 30, 2008, by a yea-and-nay vote of 281 yeas to 142 nays, Roll No. 744. Consideration of the measure began on Wednesday, July 25th.

Pages H8625–75

Rejected the Lewis (CA) motion to recommit the bill to the Committee on Appropriations with instructions to report the same back to the House promptly with an amendment, by a recorded vote of 209 ayes to 215 noes, Roll No. 743. **Pages H8673–75**

Agreed by unanimous consent that during further consideration of H.R. 3093 in the Committee of the Whole pursuant to the provisions of H. Res. 562, no further amendment to the bill will be in order except those provided on a list at the desk. **Page H8639**

Agreed to:

Fossella amendment that prohibits funds from being used to carry out the decision of the United States Court of Appeals for the Second Circuit in Lin, et al. v. United States Department of Justice rendered on July 16, 2007; **Pages H8637–39**

Jackson-Lee (TX) amendment relating to funding for the Department of Justice—Office of Justice Programs—state and local law enforcement assistance;

Pages H8643–44

Jackson-Lee (TX) amendment that redirects $10 million in funding for the Department of Justice;

Pages H8644–45

Jackson-Lee (TX) amendment that prohibits funds from being used in violation of Subtitle A of Title VIII (International Space Station Independent Safety Taskforce) of the NASA Authorization Act of 2005;

Pages H8645–46

King (IA) amendment that prohibits funds from being used to employ workers described in section 274A(h)(3) of the Immigration and Nationality Act;

Page H8655

Garrett (NJ) amendment that prohibits funds from being used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency at any single conference occurring outside the United States; **Pages H8663–64**

Pence amendment that prohibits funds from being used to enforce the amendments made by subtitle A of title II of Public Law 107–155 (by a recorded vote of 215 ayes to 205 noes, Roll No. 737, after agreeing by unanimous consent to vacate the voice vote taken earlier in the day); and **Pages H8633, H8666**

Upton amendment (No. 41 printed in the Congressional Record of July 25, 2007) that prohibits funds from being used to purchase light bulbs unless the light bulbs have the ''ENERGY STAR'' or ''Federal Energy Management Program'' designation (by a recorded vote of 404 ayes to 16 noes, Roll No. 738). **Pages H8646–47, H8666–67**

Rejected:

Flake amendment that sought to prohibit funds from being used for meteorological equipment at Valparaiso University in Valparaiso, Indiana;

Pages H8628–29

Flake amendment that sought to prohibit funds from being used for the National Textile Centers;

Pages H8629–33

Stearns amendment (No. 1 printed in the Congressional Record of July 23, 2007) that sought to prohibit funds from being used by the EEOC for litigation expenses incurred in connection with cases commenced after the date of the enactment of this Act against employers on the grounds that such employers require employees to speak English (by a recorded vote of 202 ayes to 212 noes, Roll No. 734);

Pages H8625–27, H8664

Flake amendment that sought to prohibit funds from being used for the Lobster Institute at the University of Maine in Orono, Maine (by a recorded vote of 87 ayes to 328 noes, Roll No. 735);

Pages H8627–28, H8664–65

Flake amendment that sought to prohibit funds from being used for the East Coast Shellfish Research Institute at the East Coast Shellfish Growers Association, Toms River, New Jersey (by a recorded vote of 77 ayes to 337 noes, Roll No. 736);

Pages H8636–37, H8665–66

Jordan amendment that sought to provide for a 3.0 percent reduction in each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law (by a recorded vote of 138 ayes to 282 noes, Roll No. 739);

Pages H8647–50, H8667–68

Price (GA) amendment that sought to reduce by $750,000,000 the total appropriations made in this Act (other than appropriations required to be made by a provision of law) (by a recorded vote of 159 ayes to 261 noes, Roll No. 740);

Pages H8650–55, H8668

Musgrave amendment that sought to reduce the total amount appropriated in the bill by 0.5 percent (by a recorded vote of 186 ayes to 235 noes, Roll No. 741); and **Pages H8655–59, H8668–69**

Campbell (CA) amendment (No. 37 printed in the Congressional Record of July 25, 2007) that sought to reduce the total amount appropriated in the bill by 0.05 percent (by a recorded vote of 192 ayes to 228 noes, Roll No. 742). **Pages H865963, H8669–70**

Withdrawn:

Nadler amendment that was offered and subsequently withdrawn that sought to increase funding

for the Jessica Gonzales Victims Assistance Program by $5 million; **Pages H8633–34**

Inslee amendment that was offered and subsequently withdrawn that sought to add a new section relating to funding for litigation of cases involving the enforcement of Federal law on Tribal lands; **Pages H8640–41**

Mack amendment that was offered and subsequently withdrawn that sought to prohibit funds from being used to carry out the composition and delivery of exigent circumstances letters, that indicate that a grand jury subpoena is forthcoming where none has been convened or where there is no reasonable likelihood that one will be convened, to United States citizens, businesses, banks, firms or any other entity that retains personal identity information about citizens; and **Pages H8641–43**

Conaway amendment that was offered and subsequently withdrawn that stated the sense of the House that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction. **Page H8663**

Point of Order sustained against:

Nadler amendment that sought to prohibit funds from being used to enforce section 505 of the USA PATRIOT Act until the Department of Justice conducts a full review and delivers to Congress a report on the use of National Security Letters to collect information on U.S. persons who are not suspected to be agents of a foreign power as that term is defined in 50 U.S.C. 1801. **Pages H8634–36**

H. Res. 562, the rule providing for consideration of the bill, was agreed to on Wednesday, July 25th.

Motion to Adjourn: Rejected the Whitfield motion to adjourn by a yea-and-nay vote of 174 yeas to 248 nays, Roll No. 745. **Pages H8684–85**

Farm Bill Extension Act of 2007: The House began consideration of H.R. 2419, to provide for the continuation of agricultural programs through fiscal year 2012. Further consideration is expected to resume Friday, July 27th.

Pages H8676–84, H8685 continued next issue.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the bill and modified by the amendments printed in part A of H. Rept. 110–261 shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as the original bill for the purpose of further amendment. **(See next issue.)**

Agreed to:

Peterson (MN) en bloc amendment consisting of the following amendments printed in part B of H. Rept. 110–261: Lucas amendment (No. 4) that makes livestock producers eligible for livestock assistance programs regardless of whether they had Noninsured Crop Disaster coverage; Hastings (FL) amendment (No. 8) that adds a new section for ''Pollinator Protection'' that authorizes research funding to reduce North American pollinator decline and understand Colony Collapse Disorder; Arcuri amendment (No. 9) that expresses the Sense of Congress that the Secretary of Agriculture should use existing authority when determining the Class I milk price mover to take into account the increased cost of production; Welch (VT) amendment (No. 10) that encourages schools to submit plans for implementation to the Secretary that include locally grown foods; Eddie Bernice Johnson (TX) amendment (No. 14) that adds the additional point to Subtitle B of the research title that emphasis should be placed on proposals that examine the efficacy of current agriculture policies in promoting the health and welfare of economically disadvantaged populations; Latham amendment (No. 17) that amends the Household Water Well System Program, which makes grants to non-profit organizations to finance the construction, refurbishing, and servicing of individually owned household water well systems in rural areas for individuals with low or moderate incomes; Wu amendment (No. 22) that broadens the eligible universities by adding that universities that do work in alternative energy related fields are eligible for the biofuels from biomass internship program; Clay modified amendment (No. 23) that makes grants to eligible entities to assist in purchasing operating organic gardens or greenhouses in urban areas; Israel amendment (No. 24) that eliminates the sale of random source animals for research and prohibits the marketing of medical devices by using live animals in demonstrations to market such devices; Bordallo amendment (No. 26) that authorizes a grants program to assist the land grant institutions in the territories in upgrading facilities and equipment in the agricultural and food sciences; Emanuel amendment (No. 28) directs the USDA to investigate which estates have been receiving payments in the name of dead farmers and recoup payments made in the name of deceased individuals; Hodes amendment (No. 30) that authorizes a grant program for state and local communities and governments known as the Community Wood Energy Program to use low-grade wood biomass in community wood energy systems for state and locally owned businesses; and Shuler amendment (No. 31) that allows non-industrial private forest lands to be eligible for emergency restoration funds if the Secretary determines that insect or disease poses an imminent threat of loss or damage to those lands and **(See next issue.)**

Frank (MA) amendment (No. 2 printed in part B of H. Rept. 110–261) that strikes five sections from Title V of the bill which expand the lending authority of the Farm Credit System. **(See next issue.)**

Rejected:

Kind amendment (No. 1 printed in part B of H. Rept. 110–261) that sought to to reform the farmer safety net to work better for small farmers at lower cost, reallocate funding to nutrition, conservation, specialty crops and healthy foods, rural development, and programs that benefit socially disadvantaged farmers (by a recorded vote of 117 ayes to 309 noes, Roll No. 747). **(See next issue.)**

H. Res. 574, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 222 yeas to 202 nays, Roll No. 746, after agreeing to order the previous question by voice vote. **(See next issue.)**

Senate Messages: Messages received from the Senate today appear on page 8650.

Senate Referrals: S. 1877 was referred to the Committee on the Judiciary and S. 1642 and S. 1716 were held at the desk. **(See next issue.)**

Amendments: Amendments ordered printed pursuant to the rule appear on pages in the next issue of the Record.

Quorum Calls—Votes: Three yea-and-nay votes and eleven recorded votes developed during the proceedings of today and appear on pages H8664, H8665, H8665–66, H8666, H8667, H8667–68, H8668, H8669, H8669–70, H8674–75, H8675, H8684–85, H8686. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 12.a.m.

Committee Meetings

HABEAS CORPUS FOR DETAINEES

Committee on Armed Services: Held a hearing on Upholding the Principle of Habeas Corpus for Detainees. Testimony was heard from the Greg Katsas, Principal Deputy Associate Attorney General, Department of Justice; Daniel J. Dell'Orto, Principal Deputy General Counsel, Department of Defense; Patrick Philbin, former Associate Deputy Attorney General, Department of Justice; LTC Stephen E. Abraham, USA Reserves; and public witnesses.

WORKFORCE INVESTMENT ACT

Committee on Education and Labor: Subcommittee on Higher Education, Lifelong Learning and Competitiveness held a hearing on the Workforce Investment Act: Ideas to Improve the Workforce Development System. Testimony was heard from public witnesses.

MINERS PROTECTIONS LEGISLATION

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on the S-Miner Act (H.R. 2768) and the Miner Health Improvement Enhancement Act of 2007 (H.R. 2769). Testimony was heard from Kevin Stricklin, Administrator, Coal Mine Safety and Health, Mine Safety and Health Administration, Department of Labor; and public witnesses.

CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT (CHAMP) ACT

Committee on Energy and Commerce: Began consideration of H.R. 3162, Children's Health and Medicare Protection (CHAMP) Act of 2007.

MISCELLANEOUS MEASURES

Committee on Financial Services: Ordered reported, as amended, the following bills, H.R. 3002, Native American Economic Development and Infrastructure for Housing Act of 2007; H.R. 180, Darfur Accountability and Divestment Act of 2007; and H.R. 3121, Flood Insurance Reform and Modernization Act of 2007.

The Committee began consideration of H.R 2895, National Affordable Housing Trust Fund Act of 2007.

Will continue July 31.

MILLENNIUM CHALLENGE CORPORATION'S VANUATU IMPACT

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on Is the Millennium Challenge Corporation Overstating Its Impact: The Case of Vanuatu. Testimony was heard from David B. Gootnick, Director, International Affairs and Trade, GAO; and Rodney G. Bent, Deputy Chief Executive Officer, Millennium Challenge Corporation.

EXPORT CONTROLS

Committee on Foreign Affairs: Subcommittee on Terrorism, Nonproliferation, and Trade held a hearing on Export Controls: Are We Protecting Security and Facilitating Exports? Testimony was heard from Christopher A. Padilla, Assistant Secretary, Bureau of Industry and Security, Department of Commerce; Stephen D. Mull, Acting Assistant Secretary, Bureau of Political-Military Affairs, Department of State; Beth M. McCormick, Acting Director, Defense Technology Security Administration, Department of Defense; Ann Marie Calvaresi Barr, Director, Acquisition and Sourcing Management, GAO; and public witnesses.

FREQUENT TRAVELER PROGRAMS

Committee on Homeland Security: Subcommittee on Border, Maritime and Global Counterterrorism held a hearing entitled ''Frequent Traveler Programs: Balancing Security and Commerce at our Land Borders.'' Testimony was heard from Robert M. Jacksta, Executive Director, Traveler Security and Facilitation, Office of Field Operations, U.S. Customs and Border Protection, Department of Homeland Security; and public witnesses.

PRIVATE SECTOR INFORMATION SHARING

Committee on Homeland Security: Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment held a hearing entitled ''Private Sector Information Sharing: What is It, Who Does It, and What's working at DHS?'' Testimony was heard from the following officials of the Department of Homeland Security: James M. Chaparro, Deputy Assistant Secretary, Office of Intelligence and Analysis; Melissa Smislova, Director, Homeland Infrastructure Threat and Risk Analysis Center; and R. James Caverly, Director, Infrastructure Partnerships Division, Infrastructure Protection and Preparedness Directorate; and public witnesses.

OVERSIGHT—FBI

Committee on the Judiciary: Held an oversight hearing on the Federal Bureau of Investigations. Testimony was heard from Robert S. Mueller, Director, FBI, Department of Justice.

INTERNET TAX FREEDOM ACT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held a hearing on the Internet Tax Freedom Act. Testimony was heard from Representatives Campbell of California and Eshoo; and public witnesses.

HARDROCK MINING AND RECLAMATION ACT

Committee on Natural Resources: Subcommittee on Energy and Mineral Resources held a hearing on H.R. 2262, Hardrock Mining and Reclamation Act of 2007. Testimony was heard from Senator Craig; from Henri Bisson, Deputy Director, Bureau of Land Management, Department of the Interior: John Leshy, former Solicitor General, Department of the Interior; Jennifer Martin, Commissioner, Game and Fish Commission, State of Arizona; J. P. Tangen, former Regional Solicitor, Alaska, Department of the Interior; and public witnesses.

REFUGE ECOLOGY PROTECTION, ASSISTANCE, AND IMMEDIATE RESPONSE ACT

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action, as amended, H.R. 767, Refuge Ecology Protection, Assistance, and Immediate Response Act.

PUBLIC LAND COMMUNITIES TRANSITION ASSISTANCE ACT OF 2007

Committee on Natural Resources: Subcommittee on National Parks, Forests and Public Lands held a hearing on H.R. 3058, Public Land Communities Transition Assistance Act of 2007. Testimony was heard from Representative Hooley; Mark Rey, Under Secretary, Natural Resources and Environment, USDA; Julie Jacobson, Deputy Assistant Secretary, Lands and Minerals Management, Department of the Interior; and public witnesses.

U.S. EMBASSY CONSTRUCTION PROJECT IN IRAQ

Committee on Oversight and Government Reform: and the Subcommittee on National Security and Foreign Affairs held a joint hearing on U.S. Embassy Construction Project in Iraq. Testimony was heard from the following officials of the Department of State: Charles E. Williams, Director, Office of Overseas Building Operations; William Moser, Deputy Assistant Secretary, Acquisitions; Patrick Kennedy, Director, Office of Management Policy; and Howard J. Krongard, Inspector General; and public witnesses

OVERSIGHT—POSTAL SERVICE OUTLOOK

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia held an oversight hearing on the Postal Service: Planning for the 21st Century. Testimony was heard from Katherine A. Siggerud, Director, Physical Infrastructure Issues, GAO; the following officials of the U.S. Postal Service: Gordon Milbourn, III, Assistant Inspector General, Audit, Office of Inspector General; William P. Galligan, Senior Vice President, Operations; and John Walker, Director, Rates, Analysis, and Planning, Postal Regulatory Commission.

CENSUS 2019 WORKFORCE

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing on 2010 Census Workforce. Testimony was heard from Charles Louis Kincannon, Director, U.S. Census Bureau, Department of Commerce; Mathew J. Scire, Director, Strategic Issues, GAO; and public witnesses.

UNIVERSITY RESEARCH GLOBALIZATION

Committee on Science and Technology: Continued hearings on Globalization of R&D and Innovation, Part II: the University Response. Testimony was heard from public witnesses.

CONTRACT BUNDLING OVERSIGHT

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing on Contract Bundling Oversight. Testimony was heard from Calvin Jenkins, Deputy Associate Administrator, Office Government Contracting and Business Development, SBA; from the following officials of the Department of Defense: LTC James Blanco, USA, Assistant to the Director, Office of Small Business Programs, Office of the Secretary of the Army; and Anthony R. Martoccia, Director, Office of Small Business Programs; Scott F. Denniston, Director, Office of Small and Disadvantaged Business Utilization, Department of Veterans Affairs; and public witnesses.

GULF WAR EXPOSURES

Committee on Veterans' Affairs: Subcommittee on Health held a hearing on Gulf War Exposures. Testimony was heard from Lawrence Deyton, M.D., Chief Public Health and Environmental Hazards Officer, Veterans Health Administration, Department of Veterans Affairs; representatives of veterans organizations; and public witnesses.

CHILDREN'S HEALTH AND MEDICARE PROTECTION ACT OF 2007

Committee on Ways and Means: Began markup of H.R. 3162, Children's Health and Medicare Protection Act of 2007.

BRIEFING—NATIONAL DRUG INTELLIGENCE ACT

Permanent Select Committee on Intelligence: Met in executive session to receive a briefing on National Drug Intelligence Center. The Committee was briefed by departmental witnesses.

BRIEFING—RUSSIA COUNTERINTELLIGENCE

Permanent Select Committee on Intelligence: Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence met in executive session to receive a briefing on Russia Counterintelligence. The Subcommittee was briefed by departmental witnesses.

COMMITTEE MEETINGS FOR FRIDAY, JULY 27, 2007

(Committee meetings are open unless otherwise indicated)

Senate

No meetings/hearings scheduled.

House

Committee on Armed Services, hearing and markup of the following bills: H.R. 3087, To require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq; and H.R. 3159, Ensuring Military Readiness Through Stability and Predictability Deployment Policy Act of 2007, 9:30 a.m., and 1 p.m., 2118 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled "Credit-Based Insurance Scores: Are They Fair?" 10 a.m., 2128 Rayburn.

Committee on the Judiciary, Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, to request Department of Homeland Security reports on certain private bills; and to mark up the following bills: H.R. 1119, Purple Heart Family Equity Act of 2007; and H.R. September 11 Family Humanitarian Relief and Patriotism Act, 9 a.m., 2141 Rayburn.

Committee on Rules, to consider the following: H.R. 2831, Ledbetter Fair Pay Act of 2007; H.R. 986, Eightmile Wild and Scenic River Act; and H.R. 3161, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2008, 11 a.m., H–313 Capitol.

Résumé of Congressional Activity

FIRST SESSION OF THE ONE HUNDRED TENTH CONGRESS

The first table gives a comprehensive résumé of all legislative business transacted by the Senate and House. The second table accounts for all nominations submitted to the Senate by the President for Senate confirmation.

DATA ON LEGISLATIVE ACTIVITY

January 4 through June 30, 2007

	Senate	*House*	*Total*
Days in session	101	92	..
Time in session	747 hrs., 04′	820 hrs., 22′	..
Congressional Record:			
Pages of proceedings	8,756	7,435	..
Extensions of Remarks	..	1,468	..
Public bills enacted into law	8	31	..
Private bills enacted into law	..	..	..
Bills in conference	..	2	..
Measures passed, total	285	533	818
Senate bills	40	14	..
House bills	39	237	..
Senate joint resolutions	1	..	..
House joint resolutions	1	1	..
Senate concurrent resolutions	11	3	..
House concurrent resolutions	22	49	..
Simple resolutions	171	229	..
Measures reported, total	213	210	423
Senate bills	121	1	..
House bills	25	140	..
Senate joint resolutions	2	..	..
House joint resolutions	..	..	..
Senate concurrent resolutions	6	..	..
House concurrent resolutions	3	5	..
Simple resolutions	56	64	..
Special reports	12	5	..
Conference reports	1	2	..
Measures pending on calendar	171	17	..
Measures introduced, total	2,059	3,707	5,766
Bills	1,749	2,951	..
Joint resolutions	16	46	..
Concurrent resolutions	40	181	..
Simple resolutions	262	529	..
Quorum calls	3	6	..
Yea-and-nay votes	238	291	..
Recorded votes	..	309	..
Bills vetoed	1	1	..
Vetoes overridden	..	..	..

* These figures include all measures reported, even if there was no accompanying report. A total of 125 reports have been filed in the Senate, a total of 217 reports have been filed in the House.

DISPOSITION OF EXECUTIVE NOMINATIONS

January 4 through June 30, 2007

Civilian nominations, totaling 312, disposed of as follows:

Confirmed	123
Unconfirmed	173
Withdrawn	16

Other Civilian nominations, totaling 2,228, disposed of as follows:

Confirmed	2,222
Unconfirmed	6

Air Force nominations, totaling 5,169, disposed of as follows:

Confirmed	5,132
Unconfirmed	37

Army nominations, totaling 1,889, disposed of as follows:

Confirmed	1,814
Unconfirmed	75

Navy nominations, totaling 31,996, disposed of as follows:

Confirmed	958
Unconfirmed	1,038

Marine Corps nominations, totaling 1,327, disposed of as follows:

Confirmed	1,324
Unconfirmed	3

Summary

Total nominations carried over from the First Session	0
Total nominations received this Session	12,921
Total confirmed	11,573
Total unconfirmed	1,332
Total withdrawn	16
Total returned to the White House	0

Next Meeting of the SENATE

2 p.m., Monday, July 30

Senate Chamber

Program for Monday: After the transaction of any morning business (not to extend beyond 3:00 p.m.), Senate will resume consideration of the motion to proceed to consideration of H.R. 976, Small Business Tax Relief Act, and vote on the motion to invoke cloture thereon at 5:30 p.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9:30 a.m., Friday, July 27

House Chamber

Program for Friday: Continue consideration of H.R. 2419—Farm Bill Extension Act of 2007.

Extensions of Remarks, as inserted in this issue

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